

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 6th day of June 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

O.A. No. 686 of 2002.

Smt. Ummila Rai w/o Shri Y.N. Rai r/o 45, M.I.G., A.D.A. colony, Neem Sarai, Allahabad at present posted at T.G.T. Sanskrit, Kendriya Vidyalaya, Borjhar, Guwahati, Assam.

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..... Applicant.

Counsel for applicant : Sri S. Mandhyan.

Versus

1. Union of India through Secretary, Ministry of Human Resources Development, Shastri Bhawan, New Delhi.

2. Commissioner, Kendriya Vidyalaya Sangathan, 18 Shaheed Jeet Singh Marg, Institutional Area, New Delhi.

3. Deputy Commissioner (Admn.), Kendriya Vidyalaya Sangathan, 18 Shaheed Jeet Singh Marg, Institutional Area, New Delhi.

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..... Respondents.

Counsel for respondents : Sri N.P. Singh.

ORDER (ORAL)

BY MR. S. DAYAL, A.M.

This application has been filed for setting aside the order dated 21.6.01 transferring the applicant from Kendriya Vidyalaya, Mughal Sarai to Kendriya Vidyalaya, Borjhar, Guwahati. A further direction to respondents is sought for posting of the applicant for his choice station as per her application submitted for the year 2000-01 taking into account the applicant's stay at Kendriya Vidyalaya, Mughal Sarai and the ACR points given to her credit at that station.

2. I have heard Sri S. Mandhyan for applicant and Sri N.P. Singh for respondents.

3. The applicant's claim is based on transfer guidelines (Annexure A-1). These guidelines lay down that priority for transfer on request shall follow descending order of combined

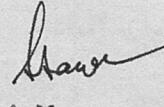
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weightage to be calculated in terms of entitlement points for organisational reasons/interest as also the individual needs of the teachers seeking transfers. One of the grounds on which entitlement points are given is rating of performance. The rating is 10 marks for outstanding, 6 for very good, 4 for good, 0 for average and minus 10 for unsatisfactory for each year of rating of performance. Another ground is stay at the station from where the transfer has been sought and one mark is to be given for each year of stay existing three years subject to a maximum of 20 points. The applicant had given her application for transfer on request in Feb.2000 for the year 2000-01. She had mentioned in the column of choice station 5 code names. The transfer guidelines lay down that ~~whether~~^{where} transfer was sought by the teachers under para 8 of the guidelines after continuous stay of 5 years, the vacancy shall be created to accommodate the teacher by transferring the teachers with longer period of stay at the station of choice provided that they had served not less than 5 years at that station and provided the Principals, who have been retained ~~for excellance~~^{are} ~~or~~¹ not displaced. Despite the application for transfer of request for the year 2000-01, the applicant was given none of the choice stations but was transferred to Kendriya Vidyalaya Borjhar after her transfer to Khamariya could not fructify on account of want of vacancy of Sanskrit teacher in that Kendriya Vidyalaya. The applicant went and joined at Borjhar and had understanding that her request for transfer for the choice of stations for the session of 2000-01 would continue with the same entitlement points, because she had not been given the choice station when she was transferred to Borjhar. The respondents vide their letter dated 12.1.01 (Annexure-A-5) had informed all Principals of Kendriya Vidyalayas that the computerised priority list for 2000-01 will remain ~~invoked~~^{vogue} for the year 2001-02. The respondents have, however, decided to invite fresh applications for the year 2002-03 which has a modified format. The applicant now fears

that her priority in the list of request transfer would change and although she was entitled to ^{be /} transferred to a station ^{of her /} choice even by displacing another teacher, she may now be deprived of transfer to station of her choice because of change of format. The applicant has mentioned that Smt. V.L. Mishra has been shown higher in the priority list than the applicant. The applicant claims that her entitlement points were more than those of Smt. V.L. Mishra, who has been transferred from Borjhar to Cantt., Allahabad. The applicant has also pointed out that in order dated 31.8.2001 of K.V.S., New Delhi No.F.7-1(D)-2001-KVS(Estt.III) (Vol.DV), it has been mentioned that competent authority has decided to offer place of posting to those lady teachers, who have been posted at North Eastern Region, J&K, A&N Ayarland as a one time measure keeping in view the difficulties faced by them in joining and working at those places. The applicant had moved a representation pursuant to the said clause in order dated 31.8.2001. It is claimed that while the orders of a number of ladies posted at Difficult s-tations have been modified, the applicant has not been given a sympathetic consideration.

4. In views of the issues raised by the applicant in her application, it appears appropriate to allow the applicant to send a representation containing all her grounds for grant of choice postings to the respondents within a period of one week and the respondents shall have three weeks to decide the representation by a reasoned and speaking order.

There shall be no order as to costs.


A.M.

Asthana/