

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.03/2003 (U)

WEDNESDAY, THIS THE 22ND DAY OF JANUARY, 2003

HON'BLE MRS. MEERA CHHIBBER ... MEMBER (J)

Girish Chandra Joshi,  
aged about 56 years,  
S/o Late Shri M.C. Joshi,  
R/o Village & Post Office 119,  
Kunjpur, Almora (Uttaranchal) .. APPLICANT

(By Advocate Shri K.K. Mishra)

Versus

1. The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shahid Jeet Singh Marg,  
New Delhi.

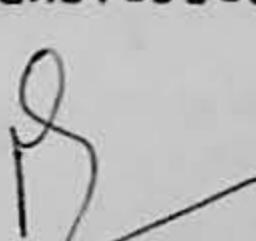
2. Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Regional Office, Behradun.

3. Education Officer,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shahid Jeet Singh Marg,  
New Delhi. ... RESPONDENTS

(By Advocate Shri N.P. Singh)

ORDER

The grievance of the applicant in this case is that even though the applicant is a patient of Tuberculosis and is under the treatment of Govardhan Tiwari Rajakya Base Hospital, Almora and the doctors have advised him to take ATT for 8 months with regular checkup as advised vide their certificate dated 6.1.2003 and his wife is also posted at Almora and his children are studying in M.A. II year, B.A., I year, Class XI and Class IX at Almora. Yet, he has been transferred in the mid academic session

  
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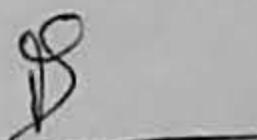
vide order dated 20.12.2002 and vide the said letter he has been transferred from Almora to Leh with immediate effect in public interest.

2. It is submitted by the applicant that he has already given a representation which is annexed as Annexure-A3 with the O.A. on 6.1.2003, but, till date, the same has not been disposed of by the respondents. Therefore, he has submitted that the respondents may be directed to dispose of his representation and till such time, status-quo may be maintained with regard to the applicant's continuance at Almora.

3. Counsel for the respondents has informed that the applicant has already been relieved from Kendriya Vidyalaya, Almora and in his place another Teacher Smt. Pushpa Kapil has already joined in the Vidyalaya on 9.1.2003. He has also taken a preliminary objection that Joint Commissioner (Administration), has not been impleaded as a Respondent even though he is a necessary party. Thus, according to him, this O.A. is bad for non joinder of proper parties and it is liable to be dismissed on this very ground.

4. I have heard both the counsel and perused the pleadings as well.

5. It is seen that the transfer order is issued by the Education Officer and the representation has been addressed to the Commissioner of Kendriya Vidyalaya Sangathan and both the ~~parties~~ <sup>Authorities</sup> have been impleaded as Respondents in the present O.A. and since all that the applicant wants is that his representation should be decided, I do not think, this O.A. can be dismissed on the ground for not impleading the Joint Commissioner (Administration) as a party. It is seen that



...3..

the applicant has been transferred in the mid academic session and Class IX and XI are very crucial years for the children. However, since the applicant has already been relieved, no interim orders can be passed in the matter. This O.A. is however, disposed of at the admission stage itself by giving a direction to the Respondent No.1, to consider the representation of the applicant which is annexed as Annexure-A3 with the O.A. and pass a reasoned and speaking order within a period of 2 months from the date of receipt of a copy of this order under intimation to the applicant.

6. With the above direction, the O.A. is disposed of.

  
MEMBER (J)

pap.