

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No. 965 of 2003.

Allahabad this the 21st day of August 2003.

Hon'ble Mr.D.R. Tiwari, Member-A.

Smt. Radhika Pandey
W/o Shri V Pandey
R/o T.C.S.-21 IFFCO, Phoolpur,
District Allahabad.

.....Applicant.

(By Advocate : Sri Satish Mandhyan)

Versus.

1. Union of India
through Commissioner,
Kendriya Vidyalaya Sangathan,
Institutional Area, 18, Shaheed Jeet Singh Marg,
New Delhi.
2. Education Officer,
Kendriya Vidyalaya Sangathan,
Institutional Area, 18, Shaheed Jeet Singh Marg,
New Delhi.
3. Assistant Commissioner,
Lucknow Region, Sector-J, Aliganj,
Lucknow.

.....Respondents.

(By Advocate : Sri D.P. Singh)

O_R_D_E_R_

Both the learned counsel argued the case in detail. Learned counsel for the applicant stated that Smt. Radhika Pandey T.G.T. (Bio) teaching in Kendriya Vidyalaya IFFCO Phoolpur has been re-deployed from Kendriya Vidyalaya Phoolpur to Kendriya Vidyalaya No.1, S.T.C., Jabalpur, because she was declared surplus by the Kendriya Vidyalaya



Sangathan, New Delhi (Annexure 6). Amongst other grounds learned counsel for the applicant also stated that Kendriya Vidyalaya Sangathan has created notional zone and according to which teacher from Lucknow Region could be deployed to either New Delhi or Jaipur Regions. In this case he pointed out that Sri Radhika Pandey has been redeployed to Jabalpur Region in notional Zone-3. This contention of the applicant's counsel was contested by Sri D.P. Singh, learned counsel for the respondents. He has informed that there was no vacancy ~~either~~ in the three zones i.e., Delhi, Jaipur and Lucknow Region for T.G.T.(Bio). Efforts has been made to re-deploy her at the nearest zone i.e. Jabalpur. Hon'ble Apex Court has been ~~ve~~ consistently laying down the principle that the Courts and Tribunals need not ~~be~~ interfere in the matter of transfer. It is true that transfer is an incident of service and not condition of service and employee cannot claim as a matter of right to continue to remain posted at once place. However, the cases may be there where transfer are ordered and look ⁱⁿ innocuous and ultimate ^N ~~actuated~~ analyses it is found that it might be ~~accommodated~~ by malafide and extraneous consideration. In the instant case, no malafide has been alleged and applicant has made a representation to the Competent Authority which has been duly forwarded by the Principal, IFFCO, Phoolpur, Allahabad. Representation is dated 26.07.03 which has been forwarded by the Principal on the same date. A lot of time has already expired and it is in the interest of

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justice that her representation deserves to be decided as quickly as possible. Respondents are directed to decide the representation, with a reasoned and speaking order within a period of three weeks from the date of communication of this order by the applicant's counsel.

2. With these observations, the O.A. is disposed of at the admission stage.

No order as to costs.

Dhase
Member-A.

Manish/-