

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

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Original Application No. 980 of 2003.

this the 23rd day of September 2003.

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

Smt. Sushma Rani, w/o Shri Om Prakash, presently residing at Type II, Qr. No. 252, CRPF Campus, Rampur.

Applicant.

By Advocate : Sri A.M. Tripathi.

Versus.

1. Union of India through the Secretary, Ministry of Human Resources & Development, New Delhi.
2. The Commissioner, Kendriya Vidyalaya Sangathan, 18-Industrial Area, Shaheed Jeet Singh Marg, New Delhi.
3. Asstt. Commissioner, Sala Wala, Hathi Warkala, Regional Office, Dehradun.
4. The Principal, Kendriya Vidyalaya, situated CRPF Campus, Rampur.

Respondents.

By Advocate : Sri N.P. Singh.

O R D E R

In this O.A. filed under Section 19 of the A.T. Act, 1985, the applicant has prayed for quashing of the order dated 16.7.2003 rejecting the representation of the applicant on the ground of non-implementation of the Government's directions of spouse transfer. The applicant has also prayed for a direction to the respondents to transfer her to Alwar or nearby stations such as Jaipur, Delhi, Ghaziabad & Noida.

2. The facts of the case are that the applicant is employed in the respondents' establishment as Drawing Teacher since 22.12.1995. She is presently posted in

whereas

Kendriya Vidyalaya, CRPF, Rampur; /the husband of the applicant namely Sri Om Prakash is working as Teacher in the State Govt. College, Alwar (Rajasthan). The applicant made two representations to the competent authority for her transfer to Rajasthan or nearby his place as per Government rules, guidelines issued from time to time and also the policy of K.V.S. The applicant earlier filed O.A. no. 423 of 2003 before this Tribunal, which was decided by order dated 28.4.2003. In pursuance of the directions given by this Tribunal dated 28.4.2003, the representation of the applicant has been rejected by the impugned order dated 16.7.2003. Aggrieved by the same, the applicant has filed the present O.A.

3. The learned counsel for the applicant submitted that the K.V.S. is under direct control of the Ministry of H.R.D. and, therefore, the policy of the Ministry of H.R.D. regarding transfer of both working spouses has to be followed by the K.V.S. Even the Central Government's policy of transfer in this regard has been accepted by the Board of Governors of K.V.S. on various dates in the meetings. The applicant has given the details of number of Kendriya Vidyalaya, ~~Schools~~ which are established in Jaipur and around State of Rajasthan and has pleaded that there should be no difficulty for the respondents to accommodate her in one of those Kendriya Vidyalaya ~~Schools~~.

4. Sri N.P. Singh, learned counsel for the respondents submitted that the impugned order dated 16.7.2003 is a detailed order and does not call for any interference.

5. Heard the learned counsel for the parties, considered their submissions and perused the record.

6. I have closely perused the impugned order dated

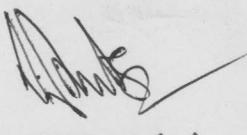
16.7.2003 passed by the Commissioner Sri H.M. Cairae.

The order is detailed one and has covered all the aspects raised by the applicant in her representations. It is not disputed by the applicant that the disciplinary case is pending against her and she has been placed under suspension by the competent authority. It is also not disputed that the applicant was transferred from Kendriya Vidyalaya from Makhu (Shimla) to Kendriya Vidyalaya, Rampur on 25.10.99 on administrative grounds.

In para 3 of the impugned order, this fact has been brought-out and it has been stated that the applicant shall not be eligible for transfer to her choice place only after completion of five years stay at the station where she has been posted on administrative grounds.

Though the guidelines are there, but they are not mandatory. Besides the competent authority in his order dated 16.7.2003 has clarified as to why the request of the applicant cannot be acceded to, I am satisfied with the same and there is no good ground for interference.

7. In view of the above, the O.A. has no merit and is accordingly dismissed at admission stage itself without any order as to costs.



MEMBER (A)

GIRISH/-