

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1093 of 2003

Allahabad this the 12th day of September, 2003

Hon'ble Mr.A.K. Bhatnagar, Member(J)

Poonam Srivastava, aged about 44 years, Wife of
Shri Bhanu Ji Srivastava, R/o 72, M.I.G. Preetam
Nagar, Allahabad.

Applicant

By Advocate Shri Rakesh Verma

Versus

1. Union of India through the Secretary, Ministry of Human Resource and Development, New Delhi.
2. The Commissioner, Kendriya Vidyalaya Sangathan 18, Institutional Area, Saheed Jeet Singh Marg, New Delhi-110016.
3. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Lucknow Region, Aliganj, Lucknow.
4. The Education Officer, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Saheed Jeet Singh Marg, New Delhi.
5. Principal, Kendriya Vidyalaya (AF), Manauri, Allahabad.

Respondents

By Advocate Shri D.P. Singh

O R D E R (Oral)

By Hon'ble Mr.A.K. Bhatnagar, Member(J)

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 for quashing the impugned order of transfers dated 31.03.2003 and 20/23.06.2003 passed by respondent no.4.

W

..pg.2/-

It has been further prayed that respondents be directed to retain the applicant at Kendriya Vidyalaya, Manauri itself or to post her at New Cantt. or Old Cantt. or Jhalwa or Bamrauli in District Allahabad where the vacancies are existing.

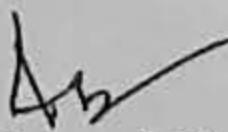
2. The case of the applicant in brief ~~and is~~ ^{h/w} that the applicant was transferred from Manauri to Aligarh on 31.03.2003 and later on by order dated 20/23.06.2003, she was again transferred to Mathura from Aligarh. Learned counsel for the applicant submitted that the applicant received serious attack of Brain Haemorrhage and Paralysis stroke due to high blood pressure and she is undergoing her medical treatment in Sanjay Gandhi Post Graduate Institute, Lucknow. Learned counsel for the applicant prayed that the applicant should not be transferred to any other place because of her serious ailment.

3. Learned counsel for the respondents stated that the applicant has already been relieved from Kendriya Vidyalaya, Manauri, Allahabad on 08.04.03 and the new incumbent Shri Prem Nath has already joined on that post in Manauri, and still working there. Learned counsel for the respondents further submitted that the applicant was called to appear before the Medical Board on 21.07.2003 along with four other persons but, the applicant did not appear before the Medical Board. Therefore, the applicant is not entitled for any relief.

:: 3 ::

4. Learned counsel for the applicant states that he has already made a representation(annexure-18) to the Assistant Commissioner(Admn.), Kendriya Vidyalaya Sangathan, New Delhi on 05.07.2003, in which it is mentioned that due to unavoidable circumstances, the applicant could not appear before the Medical Board for her medical examination and ^{she} ~~will~~ ^{will} certainly appear before the Board if one more chance is given to the applicant.

5. In the light of the above discussion , the O.A. is finally disposed of at the admission stage itself with the direction to the applicant to file a fresh detailed representation alongwith the relevant medical documents before the competent authority, who will consider and decide the applicant's representation within a period of 2 months from the date of filing the same alongwith a copy of this order. No order as to costs.


Member (J)

/M.M./