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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO. 570 OF 2000
CUTTACK THIS THE 5th DAY OF JULY, 2001

Surendra Dash Applicant(s)

- V e r s u s -

Commissioner, K.V.S. &
Others. Respondents.

For Instructions

1. Whether it be referred to Reporters or not? *Ans.*
2. Whether it be circulated to all the Benches *Ans.* of Central Administrative Tribunal or not?

Ans. 5.7.01.
(G.NARASIMHAM)
MEMBER(J)

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CORAM:

THE HON'BLE SHRI G.NARASIMHAM,

MEMBER (JUDICIAL)

1. Surendra Das, aged about 41 years,
S/o. Late Balabhadra Dash, At-Kunjan,
P.O.Sangalai Sasan, Via-Pipili,
Dist-Puri. Applicant

By the Advocates

M/s Ashok Das

P.K.Mishra

- V e r s u s -

1. The Commissioner, Kendriya Vidyalaya
Sangathan, 18 Institutional Area,
Saheed Jeet Singh Marg, New Delhi-110016.

2. Principal, Kendriya Vidyalaya-1, Unit-1.
At/PO/Ps-Bhubaneswar, Dist-Khurda.

3. Asst. Commissioner, Kendriya Vidyalaya,
Laxmisagar, At/Po/Ps-Bhubaneswar.
Dist-Khurda.

4. Sri Rajendra Kumar Das, Teacher(Sanskrit)
No.2, Kendriya Vidyalaya, Dist-Angul,

..... Respondents

By the Advocates

Mr.Ashok Mohanty

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O R D E R

G.NARASIMHAM, MEMBER(JUDICIAL): In this Original Application filed on 4.12.2000, applicant a T.G.T. Sanskrit Teacher of Kendriya Vidyalaya No.1, Bhubaneswar challenges the order dated 22.11.2000 transferring him to Kendriya Vidyalaya No.2, Talcher and transfer of Private Respondent No.4 Rajendra Kumar Das from Kendriya Vidyalaya No.2, Talcher to Kendriya Vidyalaya No.1, Bhubaneswar i.e in his place. The applicant wants this order of transfer to be quashed mainly on the ground of some domestic difficulties as mentioned in the counter.

2. Departmental Respondents No.1 to 3 in their counter opposed the prayer of the applicant by stating that the transfer is an insidence of service and the transfer has been made in public interest and in exigencies of service. The applicant had been working at Bhubaneswar Kendriya Vidyalaya No.1 since more than 7 years. Private Respondent No.4 who was serving at Talcher, which was not the place of his choice for more than 5 years represented for his transfer and on the basis of para 10(1) of the Departmental guidelines for transfer, he was transferred to Bhubaneswar in place of applicant. Moreover, Respondent No.4 had already joined and applicant had since been relieved.

3. As applicant failed to furnish the correct address of Respondent No.4 for service of notice, inspite of several adjournment this application as against Respondent No.4 stood dismissed by order dated 23.4.2001.

4. No rejoinder has been filed.

5. Ashok Mohanty, Special Counsel for the Department has

been heard. In the absence of the counsel for the applicant, I had not the benefit of hearing the contentions which could have been advanced from the applicant. However, I perused the record.

6. Since this application against Respondent No. 4 who is a necessary party and who would be affected in case the order of transfer is set aside, stood dismissed by order dtd. 23.4.2001, this application against the Department is no more maintainable.

7. Even on merits the applicant will not succeed. Admittedly, by the time of transfer he had completed more than 7 years of service at Bhubaneswar and as per the para 10(1) of the transfer guidelines a copy of which has been supplied to me by the learned counsel for the Department for reference, a teacher serving at station not of his choice for five years can be accommodated at the place of his choice by transferring a teacher with the longest period of stay at the place of his choice. Admittedly, Respondent No. 4 was serving at Talcher for more than five years and Talcher was not his place of choice. In order to accommodate him at Bhubaneswar, applicant who had the longest stay at Bhubaneswar had to be transferred. I do not see any infirmity in this order of transfer. Merely on the ground of domestic difficulties, an order of transfer cannot be set aside.

8. In the result, I do not find any merit in this Original Application which is dismissed but without costs.

5.7.01
(G.NARASIMHAM)
MEMBER (J)