



A

FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Original

Application No. 191 of 2003

Applicant(s) Puspapriya Das Respondent(s) U.O.I.

Advocate for Applicant(s) M/s. B. Dash Advocate for Respondent(s)

Kishore Swain

Sujit Nayak

MR Nayak

NOTES OF THE REGISTRY**ORDERS OF THE TRIBUNAL**

I.P.O. for Rs. 50/- filed

In view of Court memo
may perhaps be regd pl -DR
8/4/03

Registrar

I.P.O. worth Rs 5/- wanted

08.04.03

8/4/03

REGISTER

Registrar

Order dt. 08.04.2003

1. On being mentioned by the learned counsel for the Applicant, this case is taken up. Heard Mr. B. Dash, learned counsel appearing for the Applicant and Mr. Ashok Mohanty, learned Senior Advocate appearing for the Kendriya Vidyalaya Sangathan; on whom a copy of the O.A. has already been served.

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

2. Applicant, (a lady Teacher of Kendriya Vidyalaya-II at C.R.P.F. Campus (Bhubaneswar, Orissa) having faced with an order of transfer (to Kendriya Vidyalaya at C.R.P.F. (Yelahanka), Bangalore) under Annexure-5 dated 31.03.2003, has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 by raising grievances against the said order of transfer. Before filing the present case, the Applicant had submitted a representation to the Joint Commission (Administration) of the Headquarters of Kendriya Vidyalaya Sangathan at New Delhi (Respondent No.2) under Annexure-9 dated 07.04.2003 and it is stated (by the learned counsel for the Applicant) that no order have yet been passed on the said representation of the Applicant; wherein she has disclosed about her personal difficulties, among others, ^(a) relating to her mentally retarded child (and her ~~sister~~ ^{husband} ~~she~~ has also placed on record materials to show that improvement of her mentally retarded child can be possible, as per opinion of the Doctors, if she (the child) is allowed to remain in the present environment/her mother-tongue speaking area) and (b) relating to her husband; who is stated to be cancer patient. It has been pointed out by the learned counsel for the Applicant that the Respondent Sangathan has

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NOTES OF THE REGISTRY

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got provisions to adjust the members of the staff (who have got serious medical cases) in nearby places and that a new Kendriya Vidyalaya (No.4) is coming-up at Niladri Vihar (Bhubaneswar) ; where the Applicant/Respondent No.6 (who has been asked to come on transfer from K.V.S. (A.F.S) SAMANA, to replace the Applicant) can be adjusted.

3. Transfer being an incident of service, the authorities are best persons to judge the place of posting of its employees ; which they are to do by keeping in mind all aspects of the matter vis-a-vis the transfer guidelines. Here is a case, we are sure, the authorities/Respondents shall definitely give due consideration to the alarming problem of the Applicant and, therefore, we are disposing of this case (after hearing the learned counsels appearing for both the sides) with direction to the Respondent No.1 to 5 herein to give due and sympathetic consideration to the grievances (of the Applicant) as raised in her representation under Annexure-2 dated 07.04.2003 and in this Original Application and its other Annexures and, until then, the Applicant may not be disturbed from

Bhubaneswar, unless she has been relieved the meantime. ⁷

Send copies of this order to the Respondents, alongwith the copies of the Original Application, and free copies of the order be also given to the counsels appearing for both the sides.

[Signature]
Vice Chairman

[Signature]
Member (Judicial)

08/04/2003

Copy of order dt. 8/4/03
w/ OA copy issued by posts.
all the respects of the
same copy of order
issued to the counsel
for both side.

[Signature]
S.D. 9.4.03

[Signature]
9/4/03