

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

Date of Decision: 13.2.2002

OA 58/2001

C.K. Kashyap, TGT (Hindi) in Kendriya Vidyalaya ONGC, Mehsana.

... Applicant

v/s.

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
2. Dy. Commissioner (Adm), KVS, 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
3. Principal, Kendriya Vidyalaya BSF, Jodhpur.
4. Smt. Neeta Hamilton, TGT (Hindi), through Principal, Kendriya Vidyalaya (BSF), Jodhpur.

... Respondents

CORAM:

HON'BLE MR.JUSTICE O.P.GARG, VICE CHAIRMAN
HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.B.Khan

For Respondents No.1to3

... Mr.M.A.Siddiqui, proxy
counsel for Mr.N.H.Lodha

For Respondent No.4

... Mr.K.K.Shan

O R D E R

BER HON'BLE MR.JUSTICE O.P.GARG, VICE CHAIRMAN

The applicant is a Trained Graduate Teacher (TGT) and was earlier posted at Nasirabad. Vide order dated 28.11.2000 (Ann.A/3) he was transferred in public interest and posted at Kendriya Vidyalaya (BSF), Jodhpur, vice Shri Mahendra Kumar

[Signature]

Sharma. Another lady teacher, Ms. Neeta Hamilton, who is private respondent No.4, was posted, on her own request, from Mehsana to Kendriya Vidyalaya (BSF), Jodhpur, against the vacancy caused on account of transfer of Shri M.K.Sharma to Nasirabad. Later on, it was realised that Mahendra Kumar Sharma and M.K.Sharma are not two different persons but are the names of the same person. The result was that as against the only one vacancy occasioned on account of transfer of Shri Mahendra Kumar Sharma or Shri M.K.Sharma, two persons were posted i.e. the applicant as well as Ms. Neeta Hamilton, respondent No.4. The respondents, therefore, issued the modified order dated 1.2.2001 (Ann.A/1) whereby the applicant was shifted from Kendriya Vidyalaya (BSF), Jodhpur, to Mehsana, where the applicant has joined on 6.2.2001 and is working there. By means of the present O.M., the applicant prays that the modification order dated 1.2.2001 (Ann.A/1) be declared illegal and be quashed and he may be sent back to Jodhpur.

2. Heard the learned counsel for the parties at considerable length.

3. At the outset, it may be mentioned that the applicant is holding a transferable post. Transfer is an ordinary incident of service. Nobody has a right to stick to a particular place and cannot assert that he would work at the place of his choice. On account of the administrative exigencies, certain shiftings are required to be made. In this case, obviously, two persons could not be posted against one and the same vacancy. Therefore, the

. fm

modification order was justified. The applicant as such has no grievance to canvass before this Tribunal, particularly when he has already joined at Mehsana and is working there.

4. During the course of arguments it transpired that in Kendriya Vidyalaya No.1 (Air Force), Jodhpur, one Shri H.M.Purohit is to stand superannuated in the month of July, 2002. The learned counsel for the applicant urged that in case the applicant cannot be accommodated at this stage at Jodhpur, his case for posting at Jodhpur may be directed to be considered against the vacancy of Shri Purohit. This request on behalf of the applicant appears to be quite genuine and honest. This suggestion is not likely to affect the interest of respondent No.4, Ms.Neeta Hamilton, in any manner as she is already working at Kendriya Vidyalaya (BSF), Jodhpur.

5. This OA is, therefore, finally disposed of with the direction that as and when the vacancy arises in Kendriya Vidyalaya No.1 (Air Force), Jodhpur, on account of the superannuation of Shri Purohit, the respondents shall consider the feasibility of transferring the applicant from Mehsana to Jodhpur. No order as to costs.

lmp
(A.P.NAGRATH)
MEMBER (A)

lmp
(JUSTICE O.P.GARG)
VICE CHAIRMAN

Part II and III destroyed
in my presence on 3/2/07
under the supervision of
section officer as per
order dated 3/2/07

Section officer (Record)

3/2/07
2/17/07
2/20/07

3/2/07
2/20/07

Recd
V.P.S. 2/20/07