

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO. 255/2010

Date of order: 11.01.2011

CORAM:

HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER

Ms. Premlata Parihar D/o Shri R.L. Parihar, aged 50 years, R/o Pipli Ka Chowk, Nagori Mohalla, Jodhpur (Raj.).

(Posted to K.V. BSF, Jodhpur as TGT-SOST).

...Applicant.

Mr. K.K. Shah & Mr. Vivek Shah, counsel for applicant.

VERSUS

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18 Institutional Area, Shaheed Jeet Marg, New Delhi.
2. Assistant Commissioner, Kendriya Vidyalaya Sangathan (R.O.), 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur - 302015.
3. The Principal, Kendriya Vidyalaya, BSF, Jodhpur (Raj.).
4. Sh. Saleem Solanki, TGT (SOST), K.V. No. 2 (Army), Jodhpur.

... Respondents.

Mr. P.S. Bhati, counsel for respondent nos. 1 to 3.
None present for respondent no. 4.

ORDER

The applicant, Ms. Premlata Parihar, presently posted as TGT (SOST) in Kendriya Vidyalaya, BSF, Jodhpur, has preferred this Original Application for quashing the impugned orders dated 03.09.2010 and 09.09.2010 Annexure A/1 and Annexure A/2, respectively, whereby she has been transferred to Kendriya Vidyalaya No. 1, Surat, and has been relieved from her present place of posting to join at Kendriya Vidyalaya No. 1 Surat.

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2. Heard the learned advocates Shri K.K. Shah and Shri Vivek Shah, appearing on behalf of the applicant, and also heard Shri P.S. Bhati, learned advocate appearing on behalf of the official respondent nos. 1 to 3.

3. During the course of hearing of the Original Application, no serious objection has been raised on behalf of the official respondent nos. 1 to 3 with regard to the prayer of quashing the impugned orders Annexure A/1 & A/2.

4. Considering the arguments of both the sides and considering the fact that the official respondents have got no serious objection in allowing the Original Application, this Original Application is hereby allowed and Annexure A/1 i.e. order dated 03.09.2010 whereby the applicant has been transferred to Kendriya Vidyalaya No. 1 Surat, and Annexure A/2 i.e. order dated 09.09.2010 whereby she has been relieved from her present post to report to the Principal, Kendriya Vidyalaya No. 1 Surat, are hereby quashed and set aside. However, with the consent of the lawyers of both the parties, it is hereby observed that in the event of any administrative exigencies, if the transfer of the applicant becomes unavoidable, then in that case, the applicant shall be accommodated to her choice place only, as I have been informed that the applicant had already submitted her choice for the places. In the circumstances of the case, there will be no order as to costs.

S.M.M. Alam

(JUSTICE S.M.M. ALAM)
JUDICIAL MEMBER

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