

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.400/2011

Date of decision: 26.09.2011

Hon'ble Mr. Sudhir Kumar, Administrative Member.

Jai Kant Pandey S/o Shri Kamala Kant Pandey, aged 53 years, posted as PGT-Hindi, at K.V. No.1, Pratap Nagar, Udaipur (Raj.).

: Applicant.

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

Versus

1. The Kendriya Vidyalaya Sangathan, through the Commissioner, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.
2. Assistant Commissioner, Kendriya Vidyalaya Sangathan (R.O.) 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur-302015 (Raj.).
3. Principal, Kendriya Vidyalaya (Air Force Station) Wadsar, Ahmedabad (Guj.)
4. Mahendra Kumar Meena, PGT-Hindi, Kendriya Vidyalaya (Air Force Station), Wadsar, Ahmedabad (Guj.).

: Respondents.

**Mr. B. Khan, proxy counsel for
Mr. V.S. Gurjar, counsel for respondents No.1 & 2.
None present for other respondents.**

ORDER (ORAL)

Heard both the learned Counsels. The reply written statement has already been submitted by the respondents No.1 & 2, and in that a stand has been taken that the consideration of vacancies has been done by the respondent department in two stages. Firstly, it was done according to individual Kendriya



Vidyalaya wise priority list for effecting transfers of the teachers, who had applied for particular Kendriya Vidyalaya as a choice posting. Thereafter, secondly, it was done by considering Station-Wise Priority List, keeping in view the wider choice.

2. On a cursory perusal of the Transfer guidelines for Teachers upto PGT, as annexed by the respondents No.1 & 2, through pages 49 to 57 of their reply, cases of administrative grounds and request transfers have been covered under paragraphs 8, 9, 10 and 11 of the transfer guidelines for teachers upto PGT. The relevant portion of the paragraph-8, which describes the method for effecting administrative grounds transfers, states as follows:-

"if a needy employee indicates only one choice which happens to be a KV instead of a station then an employee holding the same post in the same KV having highest displacement count subject to not being below D1 shall be likely to be displaced. On the other hand, if the choice indicated is that of a station then the employee having highest displacement count in the station subject to not being below D1 shall be likely to be displaced. While displacing an employee in such manner an effort would be made to post such an employee to a least inconvenient location against a clear vacancy. In case of a tie in the displacement count of employees the male employee shall be displaced. In case of a tie between the employees of the same gender the employee with earlier date of joining in present station in present post shall be displaced and in case date of joining also coincides for two or more employees then the youngest employee shall be displaced."

3. In the case of request transfers, the corresponding guideline for method of transfer states in paragraph-11 as follows:-

"Request transfer for a post at a location/station shall be accommodated in decreasing order of "Transfer Count" computed on the basis of clause 10 of competing employees. In case of a tie in the transfer count of two or more employees competing for a location the female employee shall be preferred first. In case of tie in two or more employees of the same

gender an employee with an earlier date of joining in present post in present station shall be accommodated and in case, if the date of joining in present post in present station also coincides then the older employee shall be first accommodated. Transfer counts of all request transfer applications shall be displayed on KVS website and the transfer count so displayed shall remain valid till 31st of July of the relevant year and request transfer may be considered for vacancies arising due to retirement or any other reason during the period of validity for which no fresh application shall be invited or considered."

4. It appears that the procedure adopted by the respondent authorities for considering the transfers at two stages, firstly, operating the individual Kendriya Vidyalaya Wise Priority List, and secondly the Station Wise Priority List, may not perhaps ~~applicable~~ ^{be} ~~applicable~~ ^{be} flow from the paragraphs 9,10 and 11 of the guidelines which are for transfers on request grounds. This being an entirely administrative matter, it cannot be decided judicially by this Tribunal, except for pointing out/indicating the incongruity in the application of the guidelines, which has been noticed, and mentioned above.

5. Therefore, with the consent of both the learned counsels, the whole matter is remanded back for consideration to the respondent No.1, with a direction to treat this O.A. and its Annexures as representation of the applicant, and to decide the issue once again, by passing a speaking order. The applicant shall be at liberty to file any additional representation also within 15 days from today before respondent No.1 for consideration, alongwith a copy of the O.A. and its annexures, which he shall serve once again on the respondent No.1 for the purpose of this consideration as directed.



The respondent No.1 is directed to decide the matter thereafter by 31st October, 2011.

6. With the above observations and directions, the O.A. is disposed of. No order as to costs.


(Sudhir Kumar) 26/09/2011
Member (A)

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