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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

Original Application No.405/2011

Date of decision: 07.09.2012

CORAM

HON'BLE MR. G. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE MR. B.K.SINHA, ADMINISTRATIVE MEMBER

Prem Lata Tanwar W/o D.S. Tanwar, aged about 50 years, R/o Saran Nagar, Ajmer Road, Jodhpur, at present working on the post of TGT (Social Studies) at Kendriya Vidyalaya No.1 (Army), Jodhpur.

.....Applicant

Mr. Vinay Jain, counsel for applicant.

Vs.

1. Kendriya Vidhyalaya Sangathan, through Commissioner, 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
2. Assistant Commissioner, Kendriya Vidyalaya Samgathan, Regional Office, 92, Gandhi Nagar, Marg, Bajaj Nagar, Jaipur.
3. The Education Officer, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh, Marg, New Delhi.
4. The Principal, Kendriya, Vidyalaya No.1 (Army), Military Area, Ajmer Road, Jodhpur.
5. Ms. Prem Lata Parihar at present working on the post of TGT (Social Studies) at Kendriya Vidyalaya No.2 (Army), Shikargarh, Jodhpur.

...Respondents

Mr. V.S. Gurjar, counsel for respondents No.1to4.
Mr. M.S. Godara, counsel for respondent No.5.

ORDER (ORAL)

Per : Hon'ble Mr. G.George Paracken, Judicial Member

The applicant, Prem Lata Tanwar, a TGT (Social Studies) in Kendriya Vidyalaya No.1 (Army), Jodhpur, has filed this Original Application challenging the impugned Annexure-A/1 transfer order

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dated 30.08.2011 transferring her to Kendriya Vidyalaya No.1 AFS Suratgarh on administrative reasons with immediate effect and the impugned Annexure-A/1 (a) order dated 08.09.2011 relieving her from the post at K.V. No.1 (Army), Jodhpur. The aforesaid orders have been issued purportedly under para 12 of the Transfer Guidelines of Kendriya Vidyalaya Sangathan which came into effect on 30.08.2011.

2. According to the applicant, first of all, the aforesaid impugned transfer order has not been issued by the competent authority, namely the Commissioner of Kendriya Vidyalaya Sangathan, as required under para 12 of the Transfer Guidelines for Teachers (up to all categories of teachers, Librarian, Head Master, Assistant and all Group 'C' employees of the Kendriya Vidyalaya Sangathan. Secondly, the respondents have erred in their calculation of the displacement counts in her case as well as in the case of respondent No.5, Smt. Prem Lata Parihar. According to the displacement count calculation made by her, her count should only be 23 whereas that of Respondent No.5 is 31.

3. The learned counsel for the official respondents, Shri V.S. Gurjar, submitted that this Transfer Guidelines are only guidelines and they are not mandatory. He has also stated that it is for the administration to decide where its employees have to be posted and the Court/Tribunals cannot interfere with those decisions. He has further denied the contention of the Applicant that the impugned transfer order has not been issued by the competent authority. We have also heard the learned counsel for the

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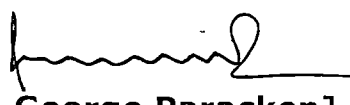
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respondents No.5, Shri M.S. Godara. He has disputed the displacement count prepared by the applicant in her case as well as in the case of the private respondent.

4. After hearing the learned counsel for the parties and perusing the impugned transfer order, it is seen that it was issued during the mid academic session without posting anyone else in the place of applicant. The Respondents have also not stated anywhere in their reply affidavit on what "administrative reasons", the Applicant has been suddenly transferred. It is also not the case of the official respondents that the post of TGT (Social Studies) in K.V. No.1 (Army), Jodhpur has been declared surplus during the current academic session. In the above facts and circumstances of the case, we quash and set aside the impugned Annexure-A/1 transfer order dated 30.08.2011 and the Annexure-A/2, relieving order dated 08.09.2011, Consequently, we direct the respondents to retain the applicant in present place of posting till the current academic session is over. Thereafter, the respondents may consider the applicant along with others for routine annual transfers in accordance with the relevant rules accordingly.

5. This OA is, accordingly, allowed. No order as to costs.


[BK Sinha]
Administrative Member


[G. George Paracken]
Judicial Member

Recd. Giff
20/9/12

Received from
P. Clow
20/9/12

RLC
on 20/9
By