

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.415/05

Monday this the 27th day of June 2005

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER**

K.C.Usha Devi,
W/o.Ashok Kumar,
T.G.T.(Biology), K.V.No.1,
Naval Base, Kochi.
Residing at Quarter,
K.V.No.1 Naval Base Campus, Cochin.

...Applicant

(By Advocate Mr.K.P.Dandapani)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 110 016.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Chennai Region, I.I.T. Campus,
Chennai – 600 036.
3. The Principal,
Kendriya Vidyalaya No.1,
Naval Base, Kochi.
4. The Principal,
K.V.Pattom, Thiruvananthapuram.
5. Mrs.Elizabeth Abraham,
T.G.T (Biology),
K.V.Sulur, Coimbatore.

...Respondents

(By Advocate M/s.Iyer & Iyer [R1-4] & Mr.Jacob Abraham [R5])

This application having been heard on 27th June 2005 the Tribunal
on the same day delivered the following :

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant is a T.G.T Bidogy at present working at K.V.Naval

Base, Kochi since 11.9.2001. The applicant is aggrieved by the order transferring her to K.V.Pattom, Thiruvananthapuram. The applicant has challenged the transfer of the 5th respondent on the ground that she is not under any privilege category as enumerated under Clause 10(2) of the new Transfer Guidelines. When the matter came up today the applicant's counsel filed an affidavit stating that there is likelihood of vacancy arising at K.V.No.1, Naval Base, Kochi as a teacher; one Mr.Satheesh Kumar has made a request for posting to Baroda where his wife is employed and in the event of the said vacancy arising she can be adjusted.

2. We have heard learned counsel on both sides including the counsel for R5. Counsel for R5 states that 5th respondent had been working at Port Blair in Andaman Nicobar Islands before she came down to work at K.V.Sulur and that she has only two more years to retire. She has already been relieved and has reported to duty on 8.6.2005 at K.V.Naval Base, Kochi but she was not permitted to join duty. It was submitted that this situation is creating great inconvenience and harassment to the respondent.

3. After hearing the parties we consider that the applicant who has recently been transferred from Kochi to Thiruvananthapuram, within the limits of the state, should not have any grievance in joining the post. Having now coming to know that there is likelihood of a vacancy arising in future if the request of Shri.Satheesh Kumar is considered for a transfer to Baroda she can now approach the authority with a fresh representation mentioning these facts and if such a representation is received we direct the respondents to consider the same. Since the 5th respondent has already been relieved and is waiting for being admitted to the post we

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vacate the interim order issued by us on 7.6.2005 to enable her to join the post. With the above directions O.A is disposed of at the admission stage itself.

(Dated the 27th day of June 2005)



K.V.SACHIDANANDAN
JUDICIAL MEMBER

Sathi Nair
SATHI NAIR
VICE CHAIRMAN

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