

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.424/2005

FRIDAY THIS THE 8TH DAY OF JULY, 2005

CORAM

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

Renuka A, PGT Mathematics,

Kendriya Vidyalaya No.I

Kannur I, residing at Athira,

Thulichery PO, Pallikunnu, Kannur.4.Applicant

(By Advocate Mr.Balakrishnan Gopinath)

V.

1. The Principal, Kendriya Vidyalaya, I
Kannur.I.

2. The Education Officer,
Kendriya Vidyalaya Sangathan,
No.18, Institutional Area, Shaheed Jeet
Singh Marg, New Delhi.110 016.

3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Bangalore Region, Bangalore.

4. The Commissioner, Kendriya Vidyalaya
Sangathan, 18, Institutional Area,
Shaheed Jit Singh Marg,
New Delhi.16.

5. Smt. Preema Paul A
P.G.T. Mathematics,
Kendriya Vidyalaya No.I
Ittanagar, Madhya Pradesh.

....Respondents

(By Advocate M/s Iyer and Iyer for R.1to4)

Advocates Ms.M.Sonia and Ms.Rincy Antony (for R5)

The application having been heard on 8.7.2005, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

The applicant in this application, a Post Graduate Teacher (Mathematics), is aggrieved by the order of transfer (Annexure.A.1) posting her to K.V. Burdwan, West Bengal from Cannanore in order to accommodate a candidate under clause 10(2) of the transfer guidelines by order dated 8.6.05. By an interim order we have directed that the applicant will be permitted to continue at K.V. Cannanore and the interim order is continuing till date.

2. When the matter came up for hearing, the learned counsel of the applicant submitted that the applicant was transferred in November, 2000 on extreme compassionate grounds after completing seven years service at Chandigarh^{Region} and she has completed only 4 years service at Cannanore. According to the counsel the transfer guidelines stipulate that juniormost person in the station will be disturbed to create a vacancy which has created many an anomalous situation where senior teachers who have been continuing for longer period in the same station/region have been allowed to continue whereas the juniors who have come on genuine grounds on request are being disturbed. Under the same guidelines there is a provision for lady teachers who are displaced to be accommodated within 500 kms of their home station and also clause 10(3) of the guidelines states that the teachers who are displaced

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under clause 10(2) will be accommodated in the nearest K.V. against clear vacancy. It was pointed out that one Smt. Sarada Devi, PGT (Maths) , KV No.II, Vidyanagar, Kasargode has been promoted as Vice Principal and is awaiting her posting orders and according to the affidavit filed by the learned counsel there is a clear vacancy to accommodate the applicant.

2. We heard the learned counsel of the respondents also. The respondents justify the transfer in the statement filed by the learned counsel for the respondents stating that the KVS employees are liable for transfer to anywhere in India and the present order of posting is to accommodate the 5th respondent on transfer from K.V. Itanagar where she has been working since more than 11 years. It was also mentioned that on identical circumstances the applicant had joined in K.V. Cannanore in 2000.

3. We heard the counsel on either side and perused the pleadings. The transfer of the 5th respondent who has served for 11 years on hard station and who has ~~xxx~~ now been waiting for joining her husband who is working in Kannur University is well within clause 10(2) of the guidelines. At best the applicant can be protected under clause 10(3) guidelines which stipulates that displaced teachers can be accommodated in the nearest K.V. against a clear vacancy.

4. It was also submitted during the arguments that in OA 320/03 filed by one S.Mini, PGT (Mathematics) K.V. I, Cannanore a

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Miscellaneous Application No.598/05 has been filed for a direction to the first respondent therein not to fill up the vacancy of TGT (Maths) at K.V.No.II, CPCRI, Kasargode.

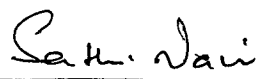
5. Now that the applicant's side has been able to point out a clear vacancy at K.V. No.II, Vidyanagar, Kasargode and the counsel has submitted a copy of the representation made by the applicant dated 6.7.05, we direct the 4th respondent to consider the representations of the applicant dated 8.6.05 and 6.7.05. Since there are two claimants for this post, we direct that the Miscellaneous Applicant in MA 598/05 also to make a representation to the 4th respondent within a week from the date of receipt of copy of this order and the 4th respondent shall on receipt of such a representation consider the relative merits of both the applicants for the vacancy arising at K.V. No.II, Vidyanagar, Kasargode and pass appropriate orders within two weeks from the date of receipt of the representation. The interim order issued on 8.6.05 is vacated and the 5th respondent will be allowed to join duty. Till the representations aforesaid are disposed of, the applicant shall not be compelled to join at the station to which she has been transferred.

6. O.A. is disposed of with the aforesaid directions. No costs.

Dated this the 8th day of July, 2005



K.V.SACHIDANANDAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

S.