

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO.433/2005

FRIDAY THIS THE 8TH DAY OF JULY, 2005

CORAM

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

Jalaja Sajeev, aged 37 years
W/o Sajeev V.S.
PGT (Biology), Kendriya Vidyalaya, Pattom
Trivandrum, residing at
Kizhakumara, Puthenveedu,
Oomanpallikkara, Kilimanoor PO
Trivandrum.695601.Applicant

(By Advocate Mr. T.C.Govindaswamy)

V.

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
No.18, Institutional Area, Shaheed Jeet Singh Marg,
New Delhi-110 016. through its Secretary.
2. The Education Officer,
Kendriya Vidyalaya Sangathan,
No.18, Institutional Area, Shaheed Jeet
Singh Marg, New Delhi.110 016.
3. Chairman,
Board of Governors,
Kendriya Vidyalaya Sangathan,
No.18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110 016.
4. The Principal,
Kendriya Vidyalaya,
Pattom, Trivandrum.
5. Shri Reji V.R.Nath
PGT(Biology) Kendriya Vidyalaya No.II
Itanagar. Respondents

(By Advocate M/s Iyer and Iyer (for 1 to 4)
Advocate Mr.Sasidharan Chempazhanthiyil for R.5)

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, a Post Graduate Teacher (Biology), working at K.V. Pattom, Trivandrum is aggrieved by her transfer to Baikuntpur in Chattisgarh State by order A1 dated 30.5.2005. This order was issued under Clause 10(2) of the transfer guidelines and she has been displaced on account of a request of the 5th respondent who has been working in the North Eastern Region. An interim order was granted by this Tribunal on 10.6.05 permitting the applicant to continue in the same station.

2. The official respondents as well as the 5th respondent have filed their reply statement. When the matter came up for hearing today, the learned counsel of the applicant argued that the applicant was appointed initially in 1995 in Rajasthan State and after three years she was transferred to KV, Khetri in the same State and then on transfer joined at KV, Pattom during 1999 on request. She had been making requests for transfer to Delhi since her husband is working in Delhi and the latest representation is at Annexure.A3. While such request has been pending she has now been displaced under clause 10(2) of the Guidelines to accommodate the 5th respondent. It was also argued that she is having some health problems and the health condition of her children also merit attention at a place where medical

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facilities are available. It has also been pointed out in the statement filed by the learned counsel that there is a vacancy at K.V. Pallippuram, Trivandrum due to promotion of the present incumbent.

3. The counsel for the official respondents stated that the applicant is one having shortest stay at the station and the transfer is made under clause 10(2) of the guidelines.

3. The counsel for Respondent No.5 submitted that he has been relieved from the present place of posting on 30.6.05 and has reported for duty today and he had been working at Arunachal Pradesh from 13.8.01 onwards and there is none in the family to look after his aged parents and since he has completed more than three years in the North Eastern Region at Itanagar he has a preferential claim over the applicant.

4. We have heard the learned counsel on either side and considered the various pleadings. The 5th respondent who has been working in the North Eastern Region for more than three years is entitled to be considered for a transfer in terms of the guidelines. He has already been relieved from the earlier station and has reported for duty. Therefore, the interim order of this Tribunal dated 10.6.05 is vacated and he is permitted to join duty at the station where he has been posted vide Annexure.A1 order.

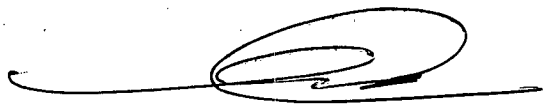
5. The applicant has filed a statement that a vacancy has arisen in Pallippuram, Trivandrum but she has not made any representation. Hence she is permitted to submit a representation to the 1st respondent within a week from the date of receipt of a copy of this

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order and the 1st respondent on receipt of such a representation shall consider the request of the applicant for a posting at the vacancy arisen at Pallippuram, Trivandrum as well as her earlier request for a transfer to Delhi on the ground of spouse being stationed at Delhi within a period of two weeks from the date of receipt of the representation and till then the applicant shall not be compelled to join at the station to which she has been transferred.

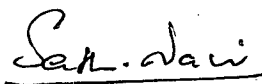
6. The application is disposed of as above. No costs.

Dated this the 8th day of July, 2005



K.V.SACHIDANANDAN
JUDICIAL MEMBER

S.



SATHI NAIR
VICE CHAIRMAN