

ORDER**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER**

The applicant is working as English (TGT) at Kendriya Vidyalaya No.1, Air Force Academy, Dundigal, Hyderabad. The applicant is stated to be a native of Palghat and her husband is a Government employee in Kerala State. She was posted at Andaman in 1998 which is stated to be a hard station. She had been there for two years and eight months. Thereafter, she was transferred to Ottapalam in October, 2000. In 2005 she was again transferred to Madhya Pradesh. The applicant aggrieved by the said order filed OA 467/2005, certain other parties were also filed OAs before this Tribunal. Annexure A-1 is the order passed in the said OAs which was eventually allowed. In May, 2009 the applicant was displaced to Kendriya Vidyalaya No.1 by Annexure A-3 order. This according to the applicant is to accommodate one Sriju. She was at that time undergoing service course in Naval Base, Cochin. Later she returned to Ottapalam in June, 2009. On the same day, she was relieved from Ottapalam. According to the guidelines, lady teachers are not liable to be transferred beyond 500 km. Since the transfer from Palghat to Tirupathi is within 500 k.m. applicant accepted the transfer and she was relieved from K.V.No.1, Ottapalam and joined K.V. Tirupathi. But when the applicant reached Tirupathi, somebody else has joined there. The applicant reported the matter to AC Chennai Region. Then Annexure A- 4 order was issued transferring the applicant to K.V Khammam with immediate effect. But there was no vacancy in existence at that time. Hence she again reported the matter to AC, Chennai Region and she was asked to submit a representation and on doing so, by Annexure A-5 order dated 16.06.2009 she was transferred to K.V.No.1, Dindigal. This place is more than 1200



k.m away from Palghat and it is contended that the transfer is contrary to the transfer guidelines. It is a remote place according to the applicant. It is further contended that displaced teachers were entitled for 10 points for request transfer. Though the applicant's request for transfer to Palghat to join her spouse, she was ranked as 3 in the priority list published and she could not be transferred. Annexure A-7 guidelines was issued further amending the guidelines. It is contended that Clause 10 and Clause 6 are apparently contrary. While 7 points are allotted to those spouses working in KV, only 5 points are allotted to spouses working in government sector. This is violative of Article 14 of the Constitution and hence this OA has been filed. It is pointed out that Annexure A-11 transfer order was issued. The applicant has not been given a transfer to any nearby station. It is pointed out that even after Annexure A-11 transfer, there are stations where vacancies are still continuing. According to the applicant, at least she may be accommodated in one of these places. The matter was adjourned to today so as to enable the counsel for respondents to get instructions in the matter.

2. Mr.V.V.Asokan, counsel appearing for the respondents, after getting instructions in the matter submitted that there is one vacancy of TGT (English) at Idukki and Adoor and the resultant vacancy as of now and in case a representation is made by the applicant subject to the priority in terms of the rules, such representation will be considered and disposed of.

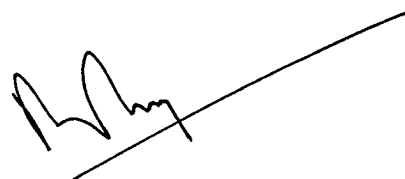
3. Having heard both sides, I think it is appropriate that the OA can be disposed of with the following directions.



4. If a representation is made by the applicant within ten days to the 1st respondent, viz., the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi through proper channel, the same shall be forwarded to the 1st Respondent and he will consider the same and to the extent possible the applicant shall be accommodated in one of the vacancies now available subject to the rules. Till the representation is considered and disposed of, the vacancies at Idukki and Adoor shall not be filled up. In view of the fact that the transfer sought for is for a teaching post, a decision may be taken before re-opening of the school so that vacancy need not be kept unfilled putting the students to difficulty. If such a representation is received, the same shall be disposed of as expeditiously as possible, at any rate, within a period of one month. The other legal questions raised in the OA is left open.

5. OA is disposed of . No costs.

Dated, the 26th May, 2011.



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

VS