

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.451/2005.

Wednesday this the 15th day of June 2005.

CORAM:

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

Annath Roshni,
W/o M. Brahma Kumar,
Trained Graduate Teacher (Social Studies),
Kendriya Vidyalaya Pangode,
Trivandrum. Applicant

(By Advocate Shri PV Mohanan)

V.S.

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
2. The Principal,
Kendriya Vidyalaya, Pangode,
Trivandrum.
3. G.Ramachandran,
Trained Graduate Teacher (Social Studies),
Kendriya Vidyalaya Cochin No.IV,
(INS Dronacharya)
(Under Order of transfer to
Kendriya Vidyalaya Pangode). Respondents

(By Advocate M/s Iyer & Iyer)

The application having been heard on 15.6.05
the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN

The applicant is aggrieved by order dated 30.5.2005 transferring her from KV Pangode to KV Cochin No.4 (INS Dronacharya) in public interest (Displacement Transfer). The contention of the applicant is that she has been transferred to KV Pangode on 8.4.2002 on the ground that, her husband was working in the Regional Research Laboratory, CSIR at Trivandrum and she has been continuing there since then, under the impression that she will not be disturbed on compassionate grounds. The transfer orders now has been issued under the transfer guidelines(Clause 10 (2), which is applicable for displacement transfers. Under Clause 10(3), while ordering such displacement transfer, efforts have to be made to accommodate them in the nearest Kendriya Vidhyalaya against a clear vacancy. The applicant has therefore, submitted a representation dated 10.6.2005 (A2) stating that there is a clear vacancy at KV Pallipuram, Trivandrum and therefore, she may be considered against that post, so as to enable her to be near the family. The said representation has been sent through proper channel which has been forwarded to the Ist respondent on 10.6.2005 itself.

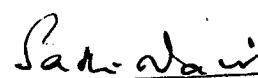
2. When the matter came up before the Bench, Shri P.V. Mohanan, learned counsel appeared for the applicant and M/s Iyer & Iyer took notice for the respondents. Learned counsel for respondents submitted that, the incumbent who has been transferred to in place of the applicant has already joined the post. Under these circumstances, the prayer of the applicant to be retained in that post has become infructuous. However, since the applicant had joined at KV Pangode, only in the year 2002 on compassionate grounds

that her spouse was working in Trivandrum, her rights have to be considered under Clause 10(3) of transfer guidelines, to a clear vacancy in the nearest station.

3. Accordingly, we direct the 1st respondent to consider her representation dated 10.6.2005, in the light of the above mentioned Clauses in the transfer guidelines and to take a decision and communicate the same to the applicant, within a period of three weeks from the date of receipt of a copy of this order. We also direct that, till such representation is disposed of, one post of TGT (Social Science) at KV Pallipuram shall not be filled up.
4. O.A. is disposed of as above. In the circumstance, no order as to costs.

Dated the 15th June, 2005.


K.V.SACHIDANANDAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN