

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.485/2002

Tuesday this, the 9th day of July, 2002

CORAM

HON'BLE MR.A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR.T.N.T. NAYAR, ADMINISTRATIVE MEMBER

K.Babootty,
Training Graduate Teacher (Maths)
Kendriya Vidyalaya No.2,
Kelton Nagar,
Kannur Dist.Kerala.Applicant

(By Advocate Mr. P.M.Pareeth)

V.

1. Kendriya Vidyalaya Sangathan,
represented by its Commissioner,
18, Institutional Area,
Shaheed Jeet singh Marg,
New Delhi.16.

2. Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh marg,
New Delhi.16.

3. Educational officer,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet singh marg,
New Delhi.16.

4. Asst.Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office,
Bangalore Region,
KVMEG & Centre,
St.Johns Road,
Opp.Naga Theatre,
Bangalore.42.

5. The Principal,
Kendriya Vidyalaya No.2
Keltron Nagar,
Kannur. 670562.

6. Union of India, represented by
Secretary, Deptt. of Human Resources
Development, Central Secretariat,
New Delhi.

7. K.Balan,
Trained Graduate Teacher,
Kendriya Vidyalaya,
Dimapur, Nagaland. ... Respondents

(By Advocate Mr. Thottathil B Radhakrishnan for R1-5 &
Mr. S.K. Balachandran, ACGSC for R-6

The application having been heard on 9.7.2002, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant Trained Graduate Teacher (Maths) K.V.No.II, Keltron Nagar, Kannur has filed this application impugning the order Annexure.Al by which he has been transferred to Kendriya Vidyalaya, Dimapur, Nagaland in Public Interest and the 7th respondent has been posted in his place. The order is impugned on various grounds that the authority who signed the order is not competent to transfer the applicant, that the 7th respondent to accommodate whom the applicant has been transferred has been working in Dimapur only from September, 2001 and therefore, has not completed the tenure, that his name does not figure in the list No.2, that the applicant had made a request for mutual transfer with one Venugopalan which has not been considered, that the transfer of the applicant after the orders of general transfer, ~~was~~ issued for the sake of accommodating the 7th respondent is made for

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extraneous consideration, that the applicant's mother died recently, that his father is under treatment, that there are two unmarried sisters living with him, that the applicant has made Annexure.A4 representation to the 2nd respondent pointing out a vacancy in Calicut, where the applicant could be accomodated and that this representation has not been considered and disposed of. Therefore, the applicant has filed this application praying for setting aside the impugned order.

2. Shri Thottathil B.Radhakrishnan took notice on behalf of Respondents 1 to 5 and Shri S.K.Balachandran took notice on behalf of Respondent No.6. Counsel appearing on their behalf state that the applicant has already been relieved on 6.7.2002, that the transfer of the applicant was in public interest, that nothing other than public interest is there in the process of decision making under which the transfer has been ordered and that therefore, the order may not be interfered.

3. Now that the applicant has already been relieved, the counsel on either side agree that the application may be disposed of directing the second respondent to consider Annexure.A4 representation and to give the applicant an appropriate reply as expeditously as possible and the applicant may apply for leave which may be considred by the competent authority till an order of the second respondent on the representation is served on him.

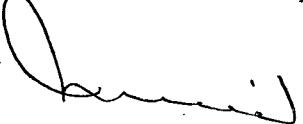
4. In the light of the above submission of the learned counsel on either side, the application is disposed

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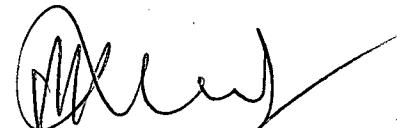
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of directing the second respondent to consider Annexure A4 representation of the applicant as expeditiously as possible at any rate within a period of four weeks from the date of receipt of a copy of this order. We also permit the applicant to make application for leave for the period and direct the competent authority under the respondents to consider the leave application and pass appropriate orders. No costs.

Dated the 9th day of July, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of Order No.F.7-1(D)/18(b)/2002-KVS(Estt.III) dated 26.6.2002 issued by the 3rd respondent transferring the applicant from Kannur to Dimapur in Nagaland.
2. A-2 : True copy of Order dated. 24.6.2002 issued by the 1st respondent Sangathan.
3. A-3 : True copy of application dated 2.7.2002 submitted by applicant signed by the 5th respondent.
4. A-4 : True copy of representation dated 4.7.2002 submitted by applicant before the 2nd respondent.

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10.7.02