

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 490 of 2011

Monday, this the 19th day of December, 2011

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

Remadevi Edwing, aged 44 years,
 W/o. Edwin Tomson V.T.,
 Postgraduate Teacher (Chemistry),
 Kendriya Vidyalaya, Ernakulam,
 Residing at : 812/C, Palachuvadu,
 Kakkanad West (PO), Cochin-682 030.

Applicant

(By Advocate – Mr. T.C.G. Swamy)

V e r s u s

1. Kendriya Vidyalaya Sangathan, 18,
 Institutional Area, Shaheed Jeet Singh Marg,
 New Delhi – 110 016, Through its
 Joint Commissioner (Admn.).
2. The Commissioner, Kendriya Vidyalaya Sangathan,
 18, Institutional Area, Shaheed Jeet Singh Marg,
 New Delhi – 110 016.
3. The Education Officer, Kendriya Vidyalaya Sangathan,
 18, Institutional Area, Shaheed Jeet Singh Marg,
 New Delhi – 110 016.
4. The Assistant Commissioner, Kendriya Vidyalaya Sangathan,
 Kendriya Vidyalaya Sangathan, Regional Office, IIT Campus,
 Chennai-36.
5. The Principal, Kendriya Vidyalaya,
 Ernakulam, Cochin-682 020.
6. Sibu John, Postgraduate Teacher (Chemistry),
 Kendriya Vidyalaya, Shillong Laitkor Peak (AFS),
 Shillong – 793 010.

Respondents

(By Advocate – M/s. Iyer & Iyer)

This application having been heard on 19.12.2011, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. Justice P.R. Raman, Judicial Member -

Challenging the transfer policy of the Kendriya Vidyalaya as well as the order of transfer of the applicant from Ernakulam to Kasragod this Original Application has been filed. The applicant contends that some of the clauses of the transfer policy are arbitrary and also causes undue hardship to her. It is contended that Lucknow Bench of this Tribunal has decided similar case in favour of the applicant.

2. Being a transfer matter we do not think that we could interfere with the order of transfer unless it is actuated by malafides. However, the right of the applicant to prefer any representation or appeal before the higher authority shall not be affected by such decision of dis-inclination to interfere with the order of transfer. Accordingly, we direct that if a representation is made before the 2nd respondent highlighting the grievances of the applicant, the second respondent will consider the same and pass appropriate orders within a period of one month from the date of receipt of a copy of the representation/appeal. It is open to the applicant to place reliance on the decision of the Lucknow Bench or any other materials in support of her case. OA is disposed of as above. No order as to costs.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

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