

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A.No.512/2003
Monday this the 23rd June 2003

C O R A M

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Mrs.Sreelatha S,
Kendriya Vidyalaya No.I, AFS Trivandrum
Residing at Flat No.69, Thulasi,
Thilak Nagar Housing Colony
Nalamchira P.O, Trivandrum.

...Applicant.
(By Advocate Mrs.Sumathi Dandapani)

Vs.

1. The Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area, New Delhi-110016
2. The Deputy Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area, New Delhi-110016
3. The Principal
Kendriya Vidyalaya No.I
A.F.S., Trivandrum
4. The Principal
Kendriya Vidyalaya
CMERI, Durgapur, Calcutta.

...Respondents


(By Advocate T.~~B~~.Radhakrishnan)

The application having been heard on 23rd June 2003, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who commenced her career as Primary School Teacher was promoted as Trained Graduate Teacher and was in the year 1994 offered promotion as Post Graduate Teacher in Biology. When the applicant challenged her promotional transfer by filing an O.P before the Hon'ble High Court of Kerala, the order was recalled on the ground that it was issued wrongly and the



applicant was working as a Trained Graduate Teacher at K.V.S, Pangode and was transferred to K.V.S. Akkulam on 11.4.2003. She was served with an order dated 1.5.2003 by which on promotion as Post Graduate Teacher (Biology) she posted at Durgapur. The applicant inviting attention the fact that a vacancy of Post Graduate Teacher (Biology) had arisen in Kendriya Vidyalaya No.II, Kochi due to retirement of Mrs.C.J.Lilly on 30.4.2003, made a request that she be transferred to that vacancy. However, the applicant was served with Annx.A2 order dated 13.6.2003 declining to grant her request for being accommodated in Kendriya Vidyalaya No.II, Cochin and directing to give effect to her transfer on 23.6.2003 making it clear that failure to comply with the said direction would entail recalling the order of promotion. Aggrieved, the applicant has filed this application seeking to set aside Annx.A1 order dated 1.5.2003 to the extent of giving her posting as Post Graduate Teacher at C.M.E.R.I, Durgapur and also Annx.A2 order dated 13.6.2003, declining her request for posting at Kendriya Vidyalaya No.II, Kochi.


2. We have perused the application, Annexures appended thereto and have heard the learned counsel for the applicant, as also the counsel for the respondents.

3. It is seen from the transfer guidelines, at clause 15 as amended on 8.1.03 that lady teacher on promotion should be posted in the same station but in a different Vidyalaya from which she had been promoted provided she had not completed 5 years of service in the same station and that in the case of a teacher completed 5 years of service in the same station she would not be posted in the same station but to the nearest available vacancy out side the station. It is also evident from

what is stated in the application that the applicant has not completed the period of 5 years even if her posting in Trivandrum from 1999 is also taken into account. The applicant had been transferred to Kendriya Vidyalaya Akkulam on 11.4.2003. Therefore evidently the case of the applicant for a posting in the same station or at least in the nearest station should have been considered in the light of the amended clause 15 of the guidelines. The impugned order Annx.A2 for declining the request of the applicant for being accommodated in the post of Post Graduate Teacher which had arisen in Kendriya Vidyalaya No.II, Kochi on account of the retirement of Smt. C.J.Lilly has not been adverted to in the reply the representation.

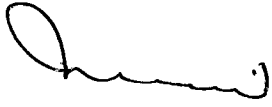
3. When this is pointed out, the learned counsel on either side agree that the application may be disposed of directing the first respondent to reconsider the representation of the applicant Annx.A-6, keeping in abeyance the operation of the impugned orders to the extent they relate to the applicant.

4. In the light of the submission made by the learned counsel on either side and in the interests of justice the application is disposed of with a direction to first respondent to consider Annx.A6 representation of the applicant keeping in view clause 15 of the amended transfer guidelines Annx.A5 in the light of the fact that a vacancy of Post Graduate Teacher (Biology) has arisen in Kendriya Vidyalaya II, Kochi on 30.4.03 and give the applicant a speaking order within a reasonable time. We also order that till such an order on reconsideration of the request of the applicant is made and communicated by the first respondent on the application, the operation of the



impugned orders to the extent it relates the applicant shall be kept pending.

6. No costs.



(T.N.T.Nayar)

Administrative Member



(A.V. Haridasan)

Vice Chairman.