

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.546/2001

Friday, this the 24th day of August, 2001.

CORAM;

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

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

Kusumam Joseph,
TGT Maths,
Kendriya Vidyalaya (NAD),
Alwaye. - Applicant

By Advocate Mr. MR Rajendran Nair

Vs

1. Union of India represented by the
Secretary to Government of India,
Ministry of Human Resources Development,
New Delhi.
 2. The Commissioner,
Kendriya Vidyalaya Sanghatan,
18 Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110 016.
 3. Deputy Commissioner,
Administration,
Kendriya Vidyalaya Sanghatan,
18 Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
 4. Principal,
Kendriya Vidyalaya,
NAD Aluva, Kochi.
 5. Valsamma Joseph,
TGT Maths,
Kendriya Vidyalaya Army,
Barackpore,
West Bengal.
- Respondents

By Advocate Mr Thottathil B Radhakrishnan (for R.2 to 4)

By Advocate Mr. K.P. Dandapani (for R.5)

The application having been heard on 24.8.2001, the Tribunal
on the same day delivered the following:

O R D E R

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

The applicant, a lady TGT Maths, KV(NAD), Alwaye, was by order dated 28.11.2000 ordered to be transferred to K.V.I, Cochin. During that year, there was a policy of not relieving on transfer any lady teachers, if they preferred to stay on. Accordingly, the transfer of the applicant under A-2 was not given effect to. While the applicant was thus continuing, the impugned order dated 22.6.2001 has been issued whereby as part of transfer in public interest, the applicant was transferred and posted to K.V., Barrackpore in West Bengal. Alleging that the order of transfer is not in public interest, was against the guidelines in regard to transfer and was issued only for the purpose of accommodating the 5th respondent, the applicant has filed this application impugning the order A-1 dated 22.6.2001, to the extent it affects her and relates to the 5th respondent and for a direction to the respondents to give effect to the order of transfer made on 28.11.2000(A-2) posting the applicant to K.V.I Cochin.

2. The 4th respondent has filed a reply statement on behalf of respondents 2 to 4 wherein it has been contended that in view of the policy of not compulsorily transferring lady Teachers in the year 2000, the applicant's transfer to K.V. I Cochin was not given effect to and the present transfer of the applicant to Barrackpore has become necessary

in public interest and that since the order of transfer has been issued in accordance with the transfer guidelines, the application is not sustainable and is liable to be dismissed.

3. The 5th respondent has filed a reply statement wherein she has contended that on her request, she has been shown as priority No.1 for transfer from K.V. I Cochin to NAD Alwaye and therefore the claim of the applicant that the posting of the 5th respondent to NAD, Alwaye should not be given effect to is not sustainable.

4. The applicant has filed a rejoinder stating that even if the 5th respondent has got to be accommodated at NAD, Alwaye in the place of the applicant as a vacancy has arisen in KV No.1, Cochin on promotion of Smt Rosily Leo TGT(Maths) which Smt.Rosily has accepted and as a further vacancy is likely to arise on 30th September, 2001 on retirement of one Smt.Kusuma Kumari, TGT(Maths), KV Port Trust, the applicant can be accommodated in either of these vacancies.

5. We have given our anxious consideration to the contentions of the applicant, the respondents 2 to 4 and the 5th respondent. We apparently did not find any infirmity in the order of transfer, judicial intervention in routine administrative matters like transfer can be justified only if the order is vitiated by malafides or violative of Statutory Rules. We do not find any such vitiating circumstances in this case. It is a fact that had the applicant given effect to the order of transfer A-2, she might probably have been

retained in K.V.No.1, Cochin and might not have to be shifted. Not giving effect to the order of transfer made by A-2 was in fact nobody's fault. As a vacancy in KV No.1, Cochin is said to have arisen and further vacancy is likely to arise on 30th September, 2001 at KV, Port Trust, Cochin, we are of the view that while declining to interfere in the matter and disposing of the application, the applicant can be permitted to make a detailed representation to the second respondent, pointing out these factors and directing the second respondent or the competent authority to consider the representation with due sympathy and pass appropriate orders as early as possible. In the result the application is disposed of as below.

6. The reliefs sought in the application are not granted and the applicant has to ~~comply with~~ the impugned orders of transfer forthwith. However the applicant is permitted to make a representation to the second respondent seeking a transfer to KV(1), Kochi or KV, Port Trust or any other KV, pointing out the vacancy position within a week and the second respondent is directed to consider the representation or have the same considered by the competent authority with due sympathy and to issue an appropriate order within three weeks from the date of receipt of the representation. The interim order is vacated. No costs.

Dated, the 24th August, 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

trs

List of annexures referred to:

Annexure.A1: The true copy of the Order
No.F7-I(D)(S.St)2001/KVS(E.III) dated
22.6.2001 issued by the third respondent.

Annexure.A2: The true copy of the Order
No.F.7.1(D)/2000-KVS (ESTT.III) dated 28.11.2000 issued
by the third respondent.....