

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 557/2001

Friday this the 15th day of March, 2002.

CORAM

HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

Betsi K.Mathai
Wife of Joseph Mathew
P.G.T. (Biology)
Kendriya Vidyalaya No.1
Kannur.

...Applicant.

(By advocate Mr.K.P.Dandapani)

Versus

1. The Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi - 110 016.
2. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Bangalore Region
Bangalore.
3. The Principal
Kendriya Vidyalaya No.1
Kannur.
4. The Principal, Kendriya Vidyalaya
Khaprail, West Bengal.
5. T.Gopalan
P.G.T.(Biology)
K.V.,Khaprail
West Bengal.

...Respondents

(By advocate Mr.Thottathil B.Radhakrishnan for R1-4)
(Mr.M.R.Rajendran Nair for R5)

The application having been heard on 15th March, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

This Original Application has been filed by the applicant aggrieved by A-3 order dated 25.6.01 transferring her from Kendriya Vidyalaya, No.1, Kannur to Kendriya Vidyalaya, Khaprail at West Bengal. She sought the following reliefs through this

OA:

- i. Call for the records leading to the case and quash A-3 order so far as the applicant is concerned, transferring the applicant from K.V.No.1 Kannur to K.V.Khaprail, West Bengal.
 - ii. To direct the first respondent to dispose of A-4 representation dated 2nd July, 01, extending the benefit of A-1 O.M. dated 12.6.97 enabling the applicant to join the spouse.
 - iii. To pass such other reliefs as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
 - iv. Award costs.
2. Amongst others, one of the grounds put forth by the applicant was that as per A-1 O.M. dated 12.6.97 issued by the Ministry of Personnel, Public Grievances & Pension, Department of Personnel & Training, husband and wife are invariably to be posted at the same station and the respondents were bound to keep the same in view while passing transfer orders and the applicant's husband was also working in Kendriya Vidyalaya, Ootty as per A-2. Subsequent to the filing of this OA, the applicant and her husband filed representations (A-7 & A-8) dated 17.1.2002 addressed to the first respondent requesting for posting both of them at Kendriya Vidyalaya, Suratgarh in Jaipur Region where according to the applicant, vacancies of PGT (Bio) and PGT (Maths), suiting both of them, exist.
3. Respondents even though in the first reply statement resisted the claim of the applicant, in the additional reply statement submitted that the respondents are agreeable to accommodate the applicant and her husband in Kendriya Vidyalaya at Suratgarh in Jaipur Region and orders would be issued by Kendriya Vidyalaya Headquarters if this Tribunal permits.
4. Today when the OA came up for hearing, learned counsel for the applicant submitted that in the light of the above submission, nothing survived in this OA if the respondents are posting her and her husband at the same station.




5. In the light of the development, the above submissions are recorded and the OA is closed giving liberty to the respondents to issue appropriate orders in accordance with the submissions made by them before this Tribunal. No costs.

Dated 15th March, 2002.



K.V.SACHIDANANDAN
JUDICIAL MEMBER



G.RAMAKRISHNAN
ADMINISTRATIVE MEMBER

aa.

A P P E N D I X

Applicant's Annexures:

1. A-1 : Copy of O.M. dated 12.6.97 regarding giving posting to spouses at same place.
2. A-2 : A copy of the transfer order dated 30.10.99 transferring the applicant's husband to Doty.
3. A-3 : Copy of the order dated 25.6.01 issued by 3rd respondent transferring the applicant to K.V.Khaprail, West Bengal.
4. A-4 : A copy of the representation dated 2.7.01 submitted by the applicant to the 1st respondent.
5. A-5 : True copy of the list published in the internet by the Kendriya Vidyalaya.
6. A-6 : True copy of the list published in the internet by the Kendriya Vidyalaya.
7. A-7 : True copy of the representation submitted by the applicant to the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi dated 17.1.2002.
8. A-8 : True copy of the representation submitted by the applicant's husband to the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi dated 17.1.2002.

Respondents' Annexure :

1. R-1(a): True copy of Fax Message as per letter No.F/12-Estt-557/2001-KVS (BGR) dated 27.2.2002 issued by the Assistant Commissioner, KVS, Bangalore to Advocate Thottathil B. Radhakrishnan, Standing Counsel for Kendriya Vidyalaya Sangathan.

Npp
19.3.02