

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.559/2001

Thursday this the 27th day of June, 2002

CORAM.

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

C.J.Lilly W/o T.A.Jaimson,
aged 58 years,
PGT Biology,
KV No.II, Naval Base
Kochi.682021.

...Applicant

(By Advocate Mrs.Sumati Dandapani)

v.

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.16.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Chennai Regional Office,
IIT Campus, Chennai.600 036.
3. The Principal,
Kendriya Vidyalaya No.II
Naval Base, Kochi.
4. The Principal,
Kendriya Vidyalaya,
AFS Laitkorpeak, Shillong,
(Meghalaya)
5. Shri P.Sivakumar,
PGT (Biology),
KV. AFS Laitkorpeak,
Shillong, (Meghalaya).
...Respondents

(By Advocate Mr.Thottathil B.Radhakrishnan (R.1to4)
Mr.Elvin Peter PJ (R5) (no representation)

The application having been heard on 27.6.2002, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, P.G.T (Biology), Kendriya
Vidyalaya No.II, Naval Base, Kochi has filed this

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application impugning the order dated 25.6.2001 (A1) to the extent of her transfer from KV No.II, Naval Base, Kochi to KV, AFS Laitkorpeak, Shillong, the order dated 29.6.2001 (A2) relieving her as also the order dated 18.7.2001 (A6) under which her transfer and posting has been changed to Jamuna Collery.

2. It is alleged in the application that the applicant has only less than two years to reach the age of superannuation counting from the date on which the Annexure.A1 order has been issued ^{and} for accomodating the 5th respondent the applicant should not have been shifted at the tail ^{end} of her career.

3. Respondents 1 to 4 seek to justify the impugned order on the ground that the period of two years is to be counted from the date of commencement of the academic year namely 1st of April. The 5th respondent has also filed a reply statement contesting the claim of the applicant on the ground that after serving for a long time in outstation schools, he has been given a transfer on his request to KV No.II, Kochi and that the applicant who has been working in Kerala for a long time has no right to continue there.

4. On the basis of the interim order, the applicant is continuing in the KV No.II, Kochi.

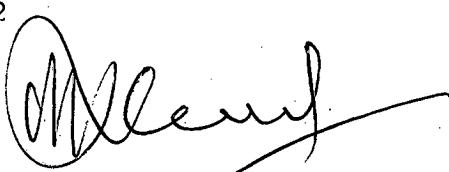
5. I have gone through the entire pleadings and the documents which are brought on record and have heard Smt. Sumati Dandapani, learned counsel of the applicant and Shri Thottathil B Radhakrishnan, learned counsel for respondents 1 to 4. I did not have the privilege of hearing the counsel of the Respondent No.5 since he did not appear.

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6. It is not in dispute that counting from the date on which Annexure.A1 order was issued, the applicant has less than two years to reach the age of superannuation as she is to superannuate on 30.4.2003. This Tribunal has in OA 544/2001 held that two years period for the purpose of exemption from transfer is to be reckoned from the date of issue of the order of transfer. However, Smt.Sumati Dandapani, learned counsel of the applicant informed me that the 5th respondent has since been transferred to Hyderabad where he has already ~~been~~ joined. Taking into account of the development and also the fact that the applicant has got only ten months to retire, I am of the considered view that the interests of justice demand the retention of the applicant at Kochi till the date of her superannuation. It would be advantageous for the department also to have the pension papers of the applicant processed in time.

7. The original application is therefore, allowed.
No costs.

Dated the 27th day of June, 2002



A.V. HARIDASAN
VICE CHAIRMAN

(s)

APPENDIX

Applicant's Annexures:

1. A-1: True copy of the Transfer Order dated 25.6.2001 issued by the 1st respondent transferring the applicant to K.V.AFS, Laitkorpeak, Shillong (Meghalaya).
2. A-2: True copy of the Relieving Order dated 29.6.2001 of the 3rd respondent relieving the applicant from KV No.II, Naval Base, Kochi.
3. A-3: True copy of the representation submitted by the applicant to the 1st respondent dated 29.6.2001.
4. A-4: True copy of the judgement of the Hon'ble High Court in OP 26564/2000 dated 25.1.2001.
5. A-5: True copy of the instructions dated 17.5.94 given from the Office of the 1st respondent to the Assistant Commissioner and Principal concerned regarding the processing of pension papers.
6. A-6: True copy of Order No.F.8-1(D)/2001-KVS(Estt.III) (Vol.IV) dated 18.7.2001 issued to the applicant.
7. A-7: True copy of order of this Hon'ble Tribunal rendered in O.A.No.544/2001 on 8.3.2002.

Respondents' Annexures:

1. R-5(1): True copy of Order No.F.12-3/2000-KVS(GR)/6948-51 dated 3.11.2000 issued by the Asst. Commissioner, Kendriya Vidyalaya.
2. R-5(2): True copy of guidelines for transfer issued by the 1st respondent.
3. R-5(3): True copy of Relieving Order dated 9.7.2001 issued by the Principal, Kendriya Vidyalaya, Shillong.
4. R-5(4): True copy of Relieving Order dated 7.9.2001 issued by the Principal, Kendriya Vidyalaya, Cochin.

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