

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.595/2001

Friday this the 13th day of July, 2001.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR. T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Rubina Manakkat Ramachandran
W/o K. Ajayakumar
Manakkat House (P.O.)
West Hill
Calicut - 673 005.

Applicant

[By advocate Mr.P.V.Mohanan]

Versus

1. The Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi.

2. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office Jammu
Gandhi Nagar
Jammu Tawi.

3. Union of India rep. by
The Secretary
Ministry of Human Resources
Sasthri Bhavan
New Delhi.

Respondents.

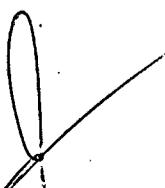
[By advocate Mr.T.B.Radhakrishnan]

The application having been heard on 13th July, 2001,
the Tribunal on the same day deliverd the following:

O R D E R

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER

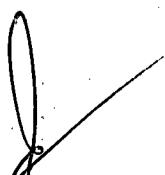
Applicant seeks to quash A-7 and A-2, A-3 & A-5 to the extent she is ordered to be posted at Kishtwar and Baramulla as per those orders and to direct the respondents to post her as Trained Graduate Teacher [TGT] in Kendriya Vidyalaya Sangathan in southern region or in the alternative in regions of North India other than Jammu & Kashmir.



2. The applicant was selected as TGT in Kendriya Vidyalaya Sangathan. As per A-2, she was offered appointment. In the offer of appointment, it is stated that she is initially posted as TGT(PCM) at Kendriya Vidyalaya, Kishtwar. Not being satisfied with the posting, she approached this Bench of the Tribunal. This Bench of the Tribunal in OA 312/2001 directed the first respondent therein to consider her representation and to give her a reply. In pursuance of the same, A-7 order has been issued. As per A-7, the earlier place of posting is changed and she is posted at Baramullah. She again not being satisfied with the posting has approached with this OA.

3. Applicant says that no relevant aspect has been considered while passing A-7 and the observations contained in A-6 have not been adhered to. In the absence of a vacancy in the southern region, she could have been given a posting in the northern region other than Jammu & Kashmir. First respondent has not exercised the discretionary power reasonably and objectively. She deserves humanitarian consideration in the matter of posting.

4. A-6 is the order passed by this Bench of the Tribunal in OA 312/2001. It is specifically stated therein that it is well settled that "an employee does not have the right to choose the place where he or she should be posted or appointed." It is further stated that the authority competent would decide the place of posting taking into consideration all the relevant factors including family backgrounds. So what is



to be looked into in the light of A-6 is whether while issuing A-7 all relevant aspects have been looked into. In A-7, it is clearly stated thus:

"It is observed that Smt. Rubina M.R. had been allotted to Jammu Region by following a criteria that had been adopted for all candidates. It would not be proper to make a departure in her case from the procedure adopted for all selected candidates. It is further observed that vacancy of TGT (PCM) is not available in any of the Kendriya Vidyalayas in South. Moreover 18 candidates of existing TGTs of PCM are already surplus in that area. They are also required to be adjusted."

5. From the above extracted portion, it is clearly seen that the authority concerned has considered all the relevant aspects and the order has been issued after due application of mind.

6. The applicant has not quoted the legal basis on which she is entitled to seek a posting as sought by her. It is for the administration to decide in the exigencies of service how postings are to be made. The wheels of administration should run smooth. An order of posting is not to be lightly interfered with.

7. In Chief General Manager (Telecom), N.E., Telecom Circle and another Vs. Rajendra Ch.Bhattacharjee and others AIR 1995 SC 813 it has been held that"

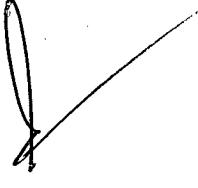
"It is needless to emphasize that a Government employee or any servant of a Public Undertaking has no legal right to insist for being posted at any particular place. It cannot be disputed that the respondent holds a transferable post and unless specifically provided in his service conditions, he has no choice in the matter of posting. Since the respondent has no legal or

statutory right to claim his posting at Agartala and, therefore, there was no justification for the Tribunal to set aside the respondent's transfer to Dimarpur."

8. Here also, there is no case for the applicant that she is appointed to a non-transferable post. It is her first posting also.

9. Applicant has also a case that she deserves humanitarian consideration in the matter of posting. Answer to this is contained in the ruling in Life Insurance Corporation of India Vs. Asha Ramachandra Ambekar(Mrs) and another (1994) 2 SCC 718 wherein it has been held that the High Courts and Administrative Tribunals cannot confer benediction impelled by sympathetic consideration.

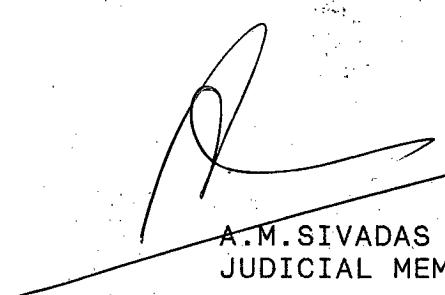
10. Learned counsel appearing for the applicant submitted that it is the policy adopted by the Government not to give posting to the government servants in the disturbed area. Apart from making that averment, the policy is not made available for our perusal. There is also no material available before us to show that the applicant's posting is in a disturbed area. If there is a policy not to give posting to the government servants in the disturbed area, there should be material to show that the posting is at a disturbed area. This is totally wanting here.



11. We do not find any ground to admit the OA. Accordingly the OA is dismissed.

Dated 13th July, 2001.


T.N.T.NAYAR
ADMINISTRATIVE MEMBER


A.M.SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

- A-7 True copy of the order No.F.No.11-10/2001-KVS (RP-II) dated 4.6.2001 by the Commissioner, KVS, New Delhi.
- A-2 True copy of the proceeding No.F.14-1/2001-KVS(JR)/795 dated 18.1.2001 by the Assistant Commissioner, KVS, Regional Office, Jammu.
- A-3 True copy of the proceeding Ni.14-1/2001/KVS(JR)/1557 dated 12.2.01 by the Assistant Commissioner, KVS, Jammu Region.
- A-5 True copy of the proceeding No.14-1/2001/KVS(JR)/3154 dated 14.3.2001 by the Assistant Commissioner, KVS, Jammu Region.
- A-6 True copy of the order in OA No.312/2001 dated 4.4.2001 by this Tribunal.