

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 615 of 2003

Thursday, this the 24th day of July, 2003

CORAM

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. Sivadasan T.P,
S/o Padmanabhan,
Trained Graduate Teacher (Biology),
Kendriya Vidyalaya, Ottapalam-679103
Palghat District (Kerala),
residing at Ayswaria, Behind Pournami,
Palappuram PO, Ottapalam,
Palakkad - 679 103Applicant

[By Advocate Smt.K.Girija for Mr.K.P.Dandapani]

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet Singh Marg,
New Delhi - 110 016
 2. The Deputy Commissioner (Administration),
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet Singh Marg,
New Delhi - 110 016.
 3. The Principal,
Kendriya Vidyalaya,
Ottapalam - 679 103,
Palakkad District. Respondents

[By Advocate Mr. Thottathil B Radhakrishnan]

The application having been heard on 24-7-2003, the Tribunal on the same day delivered the following:

ORDER

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

The applicant, Shri T.P.Sivadasan who has been working as Trained Graduate Teacher (Biology) in Kendriya Vidyalaya, Ottapalam, is aggrieved by Annexure A1 order dated 18-7-2003 whereby he is transferred on account of surplusage from Kendriya Vidyalaya, Ottapalam to Kendriya Vidyalaya, MIRC, Ahmednagar and Annexure A2 order dated 21-7-2003 whereby he stands relieved from his post at Kendriya Vidyalaya, Ottapalam. The applicant has made a detailed representation (Annexure A3)

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on the same day of his relief, i.e. 21-7-2003, pointing out that there are two vacancies of Trained Graduate Teachers in Cochin (KV No.1 and KV No.2) on account of promotion/transfer. It would appear that the applicant had sought transfer to Cochin, Palghat, Trichur or Kozhikode. It is also pointed out in the said representation that one more vacancy at Palghat would arise with effect from 1-8-2003 on account of the retirement of a Teacher on 31-7-2003. The applicant has sought accommodation against one of the vacancies in the said Kendriya Vidyalayas either at Cochin or at Palghat. The applicant seeks the impugned A1 transfer order and A2 relieving order to be set aside or, in the alternative, consideration of his A3 representation for exploring the possibility of accommodating him in one of the nearby stations like Cochin or Palghat.

2. When the matter came up for consideration for admission, Shri Thottathil B Radhakrishnan has taken notice for the respondents.

3. Smt.K.Girija, learned counsel for the applicant has submitted that though the applicant has spent four years in Ottapalam, having regard to the guidelines regarding deployment on account of surplusage, the respondents ought to have considered accommodating him to the extent possible in the very same station or in any nearby place. The applicant's personal difficulties attributable to aged dependent mother and three children including two marriageable daughters are also emphasized by the learned counsel for the applicant. However, the learned counsel has pointed out that the OA could be disposed of by directing the 1st respondent to consider the applicant's A3 representation, with particular reference to the fact that two vacancies are already existing in KVs at Cochin and one vacancy is shortly arising at Palghat on account of the retirement of a Trained Graduate Teacher. Learned counsel for

the respondents has no objection to such a course of action being taken and states that the OA can be disposed of by directing the respondents to consider the special facts and circumstances stated in Annexure A3 representation and pass appropriate orders thereon.

4. Accordingly, we proceed to dispose of the Original Application by directing the 1st respondent to consider Annexure A3 representation dated 21-7-2003 in the light of the guidelines in relation to the deployment on account of surplusage and having regard to the personal problems of the applicant and pass appropriate orders thereon within a period of one month from the date of receipt of a copy of this order. Till such time a copy of the order passed by the 1st respondent on Annexure A3 representation of the applicant is served on him, the applicant shall not be compelled to join at Kendriya Vidyalaya, MIRC, Ahmednagar in pursuance of Annexure A1 and A2 orders and if necessary, the applicant may be allowed joining time/leave, as the case may be, in respect of the intervening period, in accordance with the rules. Till orders are passed on Annexure A3 representation of the applicant, the respondents shall not proceed to fill up the vacancies in nearby Kendriya Vidyalayas at Cochin and Palghat.

5. The Original Application is disposed of as aforesaid. No order as to costs.

Thursday, this the 24th day of July, 2003



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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