

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.105/08

Friday this the 22nd day of February 2008

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

M.Divakaran,
S/o.late Madhavan,
Post Graduate Teacher (English),
Kendriya Vidyalaya No.2, Kozhikode.
Residing at Mannath House,
Thikkodi Post, Calicut District.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shahid Jeet Singh Marg,
New Delhi – 110 016.
2. The Education Officer,
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shahid Jeet Singh Marg,
New Delhi – 110 016.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, I.I.T. Campus,
Chennai – 600 006.
4. The Principal,
Kendriya Vidyalaya No.2, Calicut.
5. Smt.A.N.Mahita,
Post Graduate Teacher (English),
Kendriya Vidyalaya, Alipurduar, West Bengal.

...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 22nd February 2008 the Tribunal on the same day delivered the following :-



ORDER**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER**

The applicant's grievance is against Annexure A-1 letter dated 19.2.2008 which proposes to transfer him from K.V.No.2, Calicut to K.V.Alipurduar in Kolkatta Region. Earlier, Shri.K.Gopalan, PGT (English), KV No.2, Calicut was transferred to KV, Alipurduar. Shri.K.Gopalan challenged his transfer order by filing O.A.95/08 before this Tribunal and noting the fact that he belongs to LTR (Less than three years to retire) category, the Tribunal vide interim order dated 18.2.2008 stayed his transfer. That case is now coming for further hearing on 3.3.2008. Later, probably realising the mistake, respondents have proposed to cancel the transfer of Shri.K.Gopalan to KV, Alipurduar and proposed the name of the applicant in his place on the ground that he is the next station senior. Both these transfers are made to accommodate Smt.A.N.Mahita, PGT (English), who is presently posted at Alipurduar and who has requested for a transfer in the order of priority to Calicut (Kozhikode), Chennai, Kalpakkam, Avadi and Cochin. Counsel for the applicant submitted that the proposal to transfer the applicant to KV, Alipurduar is arbitrary, discriminatory and contrary to law and therefore violative of Articles 14 & 16 of the Constitution. Applicant submitted that he has secured his transfer to Calicut after five and a half years of service at a hard station (KV No.1, Kunjaban, Agartala, Tripura). He joined KV No.2, Calicut on 29.8.2005 and he has not even completed the minimum three years service there. He has further submitted that Smt.A.N.Mahita could have been accommodated at KV, Mandapam, Chennai Region, where there is a clear vacancy of PGT



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(English). He has also pointed out that three vacancies of PGT (English) are arising in KV, Ernakulam, KV No.1, Cochin and KV No.2, Cochin (all Chennai Region) by 1st April, 2008. He, therefore, contended that his transfer to K.V.Alipurduar could have been avoided if the respondents have waited for some time so that Smt.A.N.Mahita could have been accommodated in a clear vacancy which has arisen or which are arising very soon.

2. I have heard Shri.T.C.Govindaswamy for the applicant and Shri.Varghese John on behalf of Shri.Thomas Mathew Nellimoottil for the respondents. In the above facts and circumstances of the case, I am of the considered opinion that the O.A can be disposed of at the admission stage itself by directing the applicant to make a detailed representation to the 1st respondent within a period of one week from the date of receipt of a copy of this order and the 1st respondent in turn shall consider the same before taking a final decision on the impugned Annexure A-1 letter dated 19.2.2008. I, accordingly do so. Till such time, the proposal to transfer the applicant to KV, Alipurduar should not be given effect to. With these directions the O.A is disposed of. No order as to costs.

(Dated this the 22nd day of February 2008)


GEORGE PARACKEN
JUDICIAL MEMBER

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