

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.125/2001.

Wednesday this the 17th day of October 2001.

CORAM:

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

Sivakumar V.,
Work Experience Teacher (S.U.P.W.),
Kendriya Vidyalaya, Pangode,
Trivandrum.

Applicant

(By Advocate Mr.KP Dandapani)

Vs.

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.
2. The Deputy Commissioner (Finance)
Kendriya Vidyalaya Sangathan,
Establishment III Section,
18, Institutional Area,
Shahed Jeet Singh Marg,
New Delhi-110016.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, I.I.T.Campus,
Chennai-680 036.
4. The Education Officer,
Kendriya Vidyalaya Sangathan,
NewDelhi-110016.
5. The Principal,
Kendriya Vidyalaya,
Pangode, Trivandrum-6.
6. The Principal,
Kendriya Vidyalaya,
CECRI, Karaikudi-680024.
7. Shri P.B. Prathapkumar,
Work Experience Teacher,
Kendriya Vidyalaya,
CECRI, Karaikudi-680024.

Respondents

(By Advocate Shri Thottathil B.Radhakrishnan)

The application having been heard on 17th October 2001
the Tribunal on the same day delivered the following:

O R D E R

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

This is a case of transfer of a Socially Useful Productive Work (S.U.P.W.for short) Teacher from Kendriya Vidyalaya Pangode to K.V. Karaikudi within a short while of his earlier transfer from Pallippuram to Pangode. It is not denied that the transfer has taken place during the mid academic period i.e. on 15.12.2000. Accordingly, the position is that there is a clear violation of the Clause 6 of Annexure-7 guidelines in as much as the transfer has taken place after the cut off date of 31st August of the year under consideration.

2. In quite a few similar cases this Tribunal has held that such transfers are untenable vide orders in O.A. 107/2001 dated 26.9.2001 and O.A.Nos.348/2001 and 771/2001 dated 11.10.2001. Since the factual position is identical, I hold that the impugned orders A-2, A-3 and A-6 are liable to be set aside.

3. Accordingly, the impugned orders A-2, A-3 and A-6 are set aside to the extent to which the interests of the applicant are adversely affected.

4. O.A. is allowed. No costs.

Dated the 17th October, 2001.


T.N.T.NAYAR
ADMINISTRATIVE MEMBER

APPENDIX

APPLICANT'S ANNEXURE

1. Annexure A1: Copy of transfer order No.4 vide Ref. No.F4-Estt/SA/2000-KVS(CHEP)/dated 16.10.2000 issued by the 3rd respondent to the applicant.
2. Annexure A2: Copy of transfer order No.F.3-1(DT)/2000-KVS (E.IV) Dated 15.12.2000 issued by the 4th respondent to the applicant.
3. Annexure A3: Copy of transfer order No.F3-I(10T)/2000-KVS(E.IV) dated 15.12.2000 issued by the 4th respondent to the 7th respondent.
4. Annexure A4: Copy of representation submitted by the applicant before the 1st respondent on 23.12.2000.
5. Annexure A5: Copy of order of this Honourable Tribunal dated 29.12.2000 in O.A.1352/2000.
6. Annexure A6: Copy of Memorandum No.F.3-1(DT) 2000-KVS (E.IV) dated 22.1.2001 of the 2nd respondent issued to the applicant.
7. Annexure A7: Copy of Transfer Guidelines, referred to in the Original Application.

RESPONDENT'S ANNEXURE

NIL

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