

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.134/09

Monday this the 2nd day of March 2009

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

M.Jayaprakashan,
S/o.M.Govindan Nair,
Working as Yoga Teacher,
Kendriya Vidyalaya, Kannur.
Residing at Kendriya Vidyalaya Quarter No.C-2,
Hospital P.O., Kannur District – 670 017.

...Applicant

(By Advocate Ms.Smitha George)

Versus

1. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
K.Kamaraja Road, Bangalore – 560 042.
2. Kendriya Vidyalaya Sangathan,
K.Kamaraja Road, Bangalore – 560 042
represented by its Commissioner.
3. The Principal,
Kendriya Vidyalaya,
District Hosp P.O., Kannur – 670 017.
4. The Principal,
Kendriya Vidyalaya,
Keltron Nagar, Kannur.

...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 2nd March 2009 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

By Annexure A-3 order dated 22.1.2009 the 1st respondent, namely, the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Bangalore has informed the 4th respondent, namely, the Principal, Kendriya




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Vidyalaya, Keltron Nagar, Kannur that (i) the applicant's representation has been considered and he has been allowed to change from K.V.Belgaum to K.V.Keltron Nagar and he has already joined there on 30.12.2008 and (ii) the applicant has to vacate the quarter in his possession which is situated in the premises of Kendriya Vidyalaya, Kannur after the expiry of the permissible period of 2 months from the date of his relief from that school as per allotment Rules and if he fails to do so, he will be charged damage/market rent as per allotment Rules. The applicant is aggrieved by the 2nd part of the aforesaid order. He, has, therefore, requested in this O.A to give a direction to the respondents to grant sanction to him to continue to stay in the quarters of the Kendriya Vidyalaya, Keltron Nagar.

2. The applicant had earlier approached this Tribunal vide O.A.639/08 against his transfer from Kannur in Kerala to Belgaum in Karnataka vide order dated 31.10.2008. The said O.A was disposed of by this Tribunal vide Annexure A-1 order dated 4.12.2008 directing the 1st respondent to reconsider his case of transfer and adjust him, if possible, at K.V.Keltron Nagar. Accordingly, the respondents have reconsidered his case and permitted him to join K.V.Keltron Nagar and he had already joined there on 30.12.2008.

3. Shri.Thomas Mathew Nellimoottil on receipt of an advance copy of the O.A appeared on behalf of the respondents and submitted that under allotment Rules one can be permitted to stay in the quarters only for a period of two months from the date of his transfer/relieving from duty and he has to vacate it so as to allot the same to other persons in the waiting list. He has specifically stated that Smt.Abhirami and Smt.K.V.Sudha are



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already awaiting for allotment of quarters from May, 2008. He has further stated that an inquiry against the applicant is being conducted on certain alleged misconduct committed by him and his continuance in the same premises within the same campus of the school cannot be permitted.

4. I have considered the rival contentions. It is an admitted fact that the applicant has since been transferred from K.V.Kannur to K.V.Keltron Nagar and he had already joined there on 30.12.2008. The applicant has no case that he is entitled to stay in the quarters allotted to him by the school authorities beyond the period of two months from the date of his relieving under any rules. He is, therefore, liable to abide by the rules and vacate the quarters so that the persons already awaiting allotment can be given the same.

5. I, therefore, do not find any merit in this O.A and the same is dismissed. There shall be no order as to costs.

(Dated this the 2nd day of March 2009)


GEORGE PARACKEN
JUDICIAL MEMBER

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