

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO. 156 OF 2000.

Monday this the 14th day of February 2000.

CORAM:

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

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

I.V. Prabhakara Menoki,
Post Graduate Teacher (History),
Kendriya Vidyalaya No.1,
Kozhikode.
(By Advocate Shri V. Rajendran)

Applicant

Vs.

1. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Chennai.
2. The Principal,
Kendriya Vidyalaya No.1,
Kozhikode.
3. Sri V.M. Vishnu Nambissan,
Post Graduate Teacher (History),
Kendriya Vidyalaya No.1,
Kozhikode.
4. Union of India represented by
Secretary, Human Resources
Development, New Delhi. Respondents
(By Advocate Shri Thottathil B. Radhakrishnan, ACGSC)

The application having been heard on 14th February 2000
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant seeks to set aside A6 and to direct
the respondents 1 and 2 to allow him to continue as Post
Graduate Teacher (History) at Kendriya Vidyalaya No. I,
Kozhikode.

2. The applicant is a Post Graduate Teacher (History)
in Kendriya Vidyalaya, Kozhikode. He is transferred as per
order dated 7.2.2000 from Kozhikode to Palakkad. He says
that the "Ist respondent appears to have proceeded on the
assumption that the applicant had conceded to be satisfied

with a posting at Palakkad" and the impugned order is issued without considering his grievance.

3. The applicant was earlier transferred from Kendriya Vidyalaya Kozhikode to Kendriya Vidyalaya, II Port Blair. He then moved to High Court of Kerala by filing an O.P. and that O.P. was transferred to this Bench of the Tribunal and numbered as T.A. No.2/99. That T.A. was disposed of directing the first respondent therein to take appropriate decision on the representation submitted by the applicant for retention in the State of Kerala and to pass appropriate order. It is in pursuance of the direction contained in T.A.No.2/99, the impugned order A6 was passed. The representation referred to in the order in T.A 2/99 is A4 herein. In A4, it is stated thus:

"Hence, it is my humble request to you to retain the geography vacancy at Kozhikode and adjust me against this post until a regular vacancy of PGT (History) arises anywhere in nearby stations of Kerala, Tamil Nadu or Karnataka States."

4. A5 is the copy of the order in T.A. No.2/99. Paragraph No.3 of the same reads as follows:

"When the T.A. came up for hearing today, the learned counsel on either side agree that now that the applicant is continuing at Calicut on the basis of the interim order, the application may be disposed of directing the first respondent to consider the request made by the applicant in his representation (Exhibit P5) made to the Commissioner for retention in Kerala and to give an appropriate order within a reasonable time keeping the operation of the impugned order (Exhibit P2) in abeyance till an order is served on the applicant".

5. The direction of this Bench of the Tribunal as per A5 order is to consider the representation for retention of the applicant in Kerala.

6. As per A6, the applicant has been favoured with a posting at Palakkad. From a reading of the O.A. we are afraid that the applicant wants us to believe that Palakkad is not within the State of Kerala, Karnataka or Tamil Nadu. Palakkad is well within the State of Kerala and the request of the applicant has been granted as stated in A4 and in tune with the directions in A5.

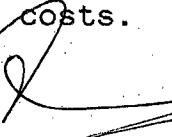
7. The version of the applicant that the "Ist respondent appears to have proceeded on the assumption that the applicant had conceded to be satisfied with a posting at Palakkad" and A6 is issued without considering his grievance cannot be accepted as true and correct statement. Applicant is a teacher. A Teacher is to set an example for the students to follow, who are the leaders of the nation tomorrow. If teachers lack qualities the student community will be in peril. We refrain from saying anything more.

8. We do not find any ground to admit this O.A.

9. O.A. is accordingly dismissed. No costs.

Dated the 14th February 2000.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.M. SIVADAS
JUDICIAL MEMBER

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List of Annexures referred to in the order:

Annexure A4: True copy of the representation dated 12.1.1996 of the applicant.

Annexure A5: True copy of the order dated 8.12.99 of this Tribunal in T.A. No. 2/99.

Annexure A6: True copy of the memorandum dated 7.2.2000 of the Ist respondent.