

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.210/13

Wednesday this the 13<sup>th</sup> day of March, 2013

**C O R A M :**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**  
**HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

K.B.K Unnithan  
S/o.Kesava Kurup  
Principal, Kendriya Vidyalaya  
Adoor  
Residing at S.M.R.A – 23, T.C.No.9/1688(1)  
Mani Bhavan Lane  
Sasthamangalam  
Thiruvananthapuram – 695 010

...Petitioner

(By Advocate Mrs.Sumathi Dandapani, Sr. with Mr.Mathew Kuriakose)

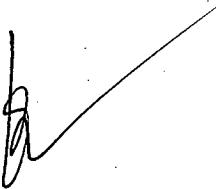
**V e r s u s**

1. Union of India  
represented by its Secretary  
Ministry of Human Resources Development  
(Department of Education)  
New Delhi – 110 001
2. The Commissioner  
Kendriya Vidyalaya Sangathan  
18, Institutional Area  
Shaheed Jeet Singh Marg  
New Delhi – 110 016
3. The Deputy Commissioner  
Kendriya Vidyalaya Sangathan  
Regional Office  
Kadavanthra  
Ernakulam, Kochi – 682 020

...Respondents

(By Advocate M/s.Iyer & Iyer)

This application having been heard on 13<sup>th</sup> March 2013 this Tribunal  
on the same day delivered the following :-



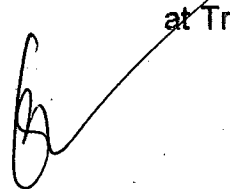
**ORDER****HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

1. This Tribunal has passed an order dated 01.02.2013 in O.A 662/12, which reads as under:-

" The grievance of the applicant is limited to the extent that his posting to the place nearest to his native place at Akkulam was not permitted and he had been posted to Adoor while at Akkulam the 3<sup>rd</sup> respondent was appointed. Counsel for the applicant further submitted that a vacancy is likely to arise after 31<sup>st</sup> March 2013 at K.V.Pangode and if the applicant be accommodated against the said vacancy the grievance of the applicant would be redressed substantially. Counsel for the respondents submitted that on the applicant making a representation as such, the same will be considered by the respondents.

2. As the applicant is to retire within two years, normally such request transfers are favourably considered as per the guidelines. As such, it is expected that the respondents shall consider the case of the applicant for transfer to K.V.Pangode immediately on the availability of vacancy if representation is made. With the above observation, the O.A is disposed of."

2. The respondents have considered the case but they could not accede to the request of the applicant for effecting a transfer with effect from 01.04.2013 to K.V Pangode on account of the fact that two transfers in the same year are not permitted. The respondents have given a latitude to the applicant to make a fresh application in the prescribed format for annual request transfer of Principals during the year 2013-14 , in which event his request shall not be treated as second transfer in the same year. It has also been stated that transfer of the applicant will be considered along with others at that time. Counsel for the applicant submits that two good grounds are there for seeking transfer to K.V Pangode viz; (a) Applicant's spouse is employed in the Intelligence Bureau, Delhi and as the children are studying at Trivandrum, he has to look after the children at Trivandrum (b) The applicant is due for superannuation by November 2014.

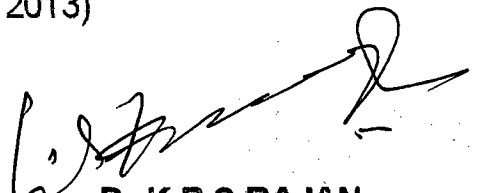


3. Since, the respondents have not negated the request of the applicant and they are bound to consider the case of the applicant for transfer taking into account the above grounds, the applicant shall prefer an application for transfer in the prescribed proforma within one week, in which event, the respondents shall consider the same. Needless to mention that since the applicant's request appears to be genuine and he is due for superannuation, in case of any impediment in posting him to K.V Pangode, he may be informed well in advance before the post is filled up. The applicant shall file an application for transfer to K.V Pangode in the prescribed format within one week, through proper channel and the same shall be entertained even if it is belated. With the above direction the O.A is disposed of.

(Dated this the 13<sup>th</sup> day of March, 2013)



**K.NOORJEHAN**  
**ADMINISTRATIVE MEMBER**  
SV



**Dr.K.B.S.RAJAN**  
**JUDICIAL MEMBER**