

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
OA NO.22/2007
Tuesday this the 6th day of March, 2007.

CORAM: HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

Manomohan K,
Trained Graduate Teacher (Sanskrit),
Kendriya Vidyalaya No.1,
Palakkad 678 009
Residing at Manalodi
Nilambur, Malappuram District. Applicant

By Advocate Mrs. Sumathi Dandapani Sr
with Mr. Millu Dandapani

V/s.

1. The Commissioner,
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi-110 016.
2. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, IIT Campus, Chennai-600 006.
3. The Grievance Officer, Grievance Cell,
Kendriya Vidyalaya Sangathan
Chennai Region
IIT Campus, Chennai 600 006.
4. The Principal
Kendriya Vidyalaya No1,
Palakkad-678 009 Respondents

By Advocate Mr. Thomas Mathew Nellimoottil

The application having been heard on 6.3.2007 the Tribunal delivered the following on the same day:

Hon'ble Mrs. Sathi Nair, Vice Chairman

(ORDER)

The applicant who is a Trained Graduate Teacher (Sanskrit) K.V.No.1, Palakkad is a physically challenged person. He has been

requesting the Authorities for granting Conveyance Allowance as applicable to physically handicapped person which was denied to him. On account of his family circumstances, he has sought a transfer to K.V.No.1 at Kozhikode. In terms of the New Transfer Guidelines, Annexure A8, while considering request transfers, entitlement points to determine priority among rival claimants will have to be decided as per the criteria endorsed in paragraph 13 thereof and as per this criteria, a person who is physically challenged is entitled to get 20points. The applicant had therefore approached the Medical Board of Palakkad District Hospital to assess his disability and enclosing a disability certificate, the applicant had submitted a representation for grant of conveyance allowance and as per the definition in the guidelines, a "physically challenged person" means an employee who has been sanctioned Conveyance Allowance due to visual and/or orthopaedic disability, as per instructions of the Central Government. Therefore, unless the conveyance allowance is sanctioned, he would not become eligible for the entitlement of 20 points. The applicant has therefore approached this Tribunal seeking the following reliefs:-

- 1 Call for the records leading to the case and declare definition clause 2(x) of Annexure A8 new Transfer Guidelines introduced with effect from 14/3/2006 as arbitrary and illegal.
- 2 Declare that clause 2(x) of annexure A8 new Transfer Guidelines is just contrary to the Explanation mentioned under Physically Challenge Employees in Annexure A9 Instructions for filling up Applications for Transfer and on this ground also the definition clause 2(x) is unsustainable.
- 3 Direct the 1st respondent to consider the application submitted by the applicant for request transfer, to transfer him to Kendriya Vidyalaya, Kozhikode (either in K.V.No.1 or K.V.No.11), giving 20 as

entitlement point on the basis of physical disability, disregarding the fact that the applicant had not been given Conveyance Allowance hitherto.

4 Such other appropriate order or direction as this Honourable Tribunal may deem fit and proper in the facts and circumstances of the case.

2 Respondents have filed a statement averring that two months time is required for completing the Medical Examination.

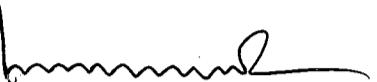
3 The applicant filed an MA No.126/2007 pointing out that a post of TGT (Sanskrit) K.V.No.1, Kozhikode has arisen and that the Medical Examination of the applicant had already been completed and the report had been forwarded to the authorities.

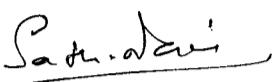
4 Today when the matter came up, it was submitted by the learned counsel for the applicant that Medical examination has been completed and the physical disability of the applicant has been assessed as 51% and produced a copy of order dated 21/2/2007 of the K.V.S also sanctioning Conveyance Allowance with effect from 8/2/2007 to the applicant. We take the letter on record.

5 In these circumstances, there is no further hurdle to consider the prayer of the applicant in regard to the 20 entitlement points in accordance with the new transfer guidelines on the basis of his assessed physical disability. Therefore, we dispose of this OA directing the first respondent to consider the representation submitted by the applicant for request transfer to K.V.No.1, Kozhikode on the basis of his assessed percentage of physical disability and to take a decision at the earliest.

6 Till such time the post TGT (Sanskrit), newly sanctioned as
averred by the applicant at K.V.No.1, Kozhikode shall not be filled up.

Dated Tuesday this the 6th day of March, 2007.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

abp