

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.225/2002.

Monday this the 8th day of April 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

V.K.Usha, W/o T.Baburajan,  
Presently working as Primary Teacher,  
Kendriya Vidyalaya, Cannanore No.I.

(By Advocate Shri P.M.Mohammed Shiraj)

Vs.

1. Kendriya Vidyalaya Sangathan,  
represented by the Assistant Commissioner,  
St.John's Road, Bangalore-560 042.
2. The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18-Institutional Area, Shaheed Jeet Singh Marg,  
New Delhi-110 016.
3. The Principal,  
Kendriya Vidyalaya No.I,  
Cannanore-670 017.
4. V.V.Amrita Kumari,  
Primary Teacher,  
Kendriya Vidyalaya, R.K.Puram, Sector-VIII,  
New Delhi.

(By Advocate Shri Thottathil B.Radhakrishnan)

The application having been heard on 8th April 2002  
the Tribunal on the same day delivered the following:

O R D E R


HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, a Primary School Teacher, Kendriya Vidyalaya, Kannur No.I is aggrieved by the impugned order dated 2.4.2002 by which she has been transferred from KV, Kannur No.I to KV, R.K.Puram, Sector-VIII, New Delhi. She has filed this application for setting aside A-1 to the extent it affects her and for a direction to the respondents to consider and pass an order on A-2 representation.

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2. It is alleged in the application that the applicant's husband is continuing his treatment for Tuberculosis as also for Diabetics and her aged parents are residing with her. It is also alleged that as per the guidelines, while the teachers are transferred to the possible extent they should be accommodated in nearby stations. The transfer of the applicant from Kannur to New Delhi, according to the applicant is against the guidelines, as there are vacancies existing in nearby stations. With these allegations, the applicant has filed this application .

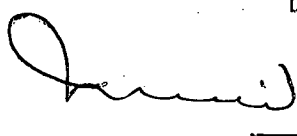
3. We have gone through the application and the annexures appended thereto and also heard Shri Mohammed Shiraj learned counsel appearing for the applicant and Ms. Sreelekha Puthalath representing Shri Thottathil B.Radhakrishnan, counsel for the respondents. Transfer is an incident of service. An officer holding a transferrable post does not have any indefeasible right for retention in a particular place or posting in a choice station. When transfers are made requests would be considered and decision taken according to the vacancy position and of administrative feasibilities. As there is no allegations of malafides against the official respondents in transferring the applicant from KV Kannur to KV RK Puram, New Delhi nor is there any allegations of violating statutory rules, we find no reason for judicial intervention. The existence of guidelines in regard to the accommodation in nearby station, is subject to the administrative interests and feasibility. If it has been possible for the official respondents to post the applicant in any nearby station they themselves would have done it because there is no allegation that posting the applicant to Delhi was an




act of malafides or total arbitrariness. Therefore, we do not find any reason to admit this application. The applicant will have to give effect the order of transfer. If the applicant is faced with any difficulty resulting from the posting in Delhi, it is up to her to make a representation for giving a posting to a more convenient station.

4. With the above observations, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 8th April, 2002.

  
T.N.T.NAYAR  
ADMINISTRATIVE MEMBER

  
A.V.HARIDASAN  
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1 : True photocopy of Order No.F-2-1(D) (PRT//)/2002/KVS (Estt-IV) dated 2.4.02 issued by Commissioner (Administration).
2. A-2 : True copy of the representation dt.5.4.02 of the applicant.
3. A-3 : True photocopy of Discharge summary 26.6.94 issued by Dr.Y.Ramu of M.V.Hospital for Diabetes.

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17.4.02