

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH  
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OA 227/2002

Monday, this the 8th day of April, 2002.

CORAM :

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

K. Radhamony,  
W/o Late Vijayan, aged 51 years,  
Music Teacher,  
Kendriya Vidyalaya, Ernakulam,  
Kochi - 682020,  
Residing at H.I.G. 12 A,  
Kasturba Nagar, Kochukadavanthra,  
Kochi - 682020.

... Applicant

( By Advocate Mr. K.P. Dandapani )

Vs

1. The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaheet Jeet Singh Marg,  
New Delhi - 110016.
2. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Regional Office, I.I.T. Campus,  
Chennai - 600036.
3. The Principal,  
Kendriya Vidyalaya,  
Ernakulam,  
Kochi - 682020.
4. The Principal,  
Kendriya Vidyalaya,  
Donimalai, Bangalore Region,  
PIN - 560001.
5. V.K. Priya,  
Music Teacher,  
Kendriya Vidyalaya,  
Donimalai, Bangalore Region,  
PIN - 560001.

... Respondents

[ By Mr. Thottathil B. Radhakrishnan( R 1-4) ]

The application having been heard on 8.4.2002, the Tribunal on the same day delivered the following :

ORDER


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

The applicant, a Music Teacher, Kendriya Vidyalaya, Ernakulam is aggrieved that as part of general transfer by order dated 2.4.2002(A1), she has been transferred to Donimalai in Karnataka, posting the 5th respondent in her place. The

applicant has alleged that she had lost her husband on 17.2.2001 due to heart attack. In the year 2001, when transfer orders were effected specific instructions have been given to the Principal concerned for not relieving the Teachers coming under certain categories, which also include "death of spouse" (death having occurred within two years i.e. after 31.3.1999). In the case of the applicant, this aspect has not been taken note of and the applicant made representation to the Commissioner, Kendriya Vidyalaya on 5.4.2002(A4) explaining the circumstances seeking retention at Ernakulam, which has not been disposed of. Under the circumstances the applicant has filed this application challenging A1 order to the extent it affects her. When the application came up for admission today, Shri Thottathil B. Radhakrishnan took notice on behalf of respondents 1 to 4. The counsel on either side agreed that the application may be disposed of directing the 1st respondent to consider A4 representation and to give the applicant an appropriate reply within a reasonable time keeping the relief of the applicant pending till an order on the representation is served on her.

2. In the light of the above submission made by the counsel on either side, we dispose of this application directing the 1st respondent to consider A4 representation of the applicant and give an appropriate reply to the applicant as early as possible not later than a month after receipt of a copy of this order. We also direct that till the order of the 1st respondent on the representation is served on the applicant, she shall not be relieved from the present place of her posting. No costs.

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 copy of the Transfer Order NO.F17-1(D)(MSC/MUST)/2002/KVS (Estt.IV) dated 2.4.2002 issued by the 1st respondent.
2. A-2: True copy of the Death Certificate dated 9.3.2001.
3. A-3: True copy of the transfer order issued on 21.6.2001 by the Kendriya Vidyalaya Sangathan.
4. A-4: True copy of the representation submitted by the applicant to the 1st respondent dated 5.4.2002.

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