

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 234/2002

Wednesday this the 10th day of April, 2002

CORAM

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

K.M.Chinnamma, W/o Vinod Singh Cherian,
Primary School Teacher,
Kendriya Vidyalaya No.I
Kozhikode -673005
residing at 64D, Kochuveetil House,
Near Post Office, Eranjippalam,
Calicut.6.

...Applicant

(By Advocate Mr.M.R.Rajendran Nair)

V.

1. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Chennai Region,
IIT Campus, Chennai.
2. Commissioner, Kendriya Vidyalaya
Sangathan, 18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110 016.
3. Principal, Kendriya Vidyalaya No.1
Kozhikode.
4. Ms.Meera, PRT
Kendriya Vidyalaya, Gill Nagar,
Chennai.1.

...Respondents

(By Advocate Mr.Thottathil B.Radhakrishnan (rep) (R.1to3)

The application having been heard on 10.4.2002, 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 N.I, Kozhikode is aggrieved that by order dated
2.4.2002 bearing No.F/2/1(D)PRT-2002-KVS Estt.IV which is
yet to be served on her, she is being transferred to
Chennai. As the 15 year old daughter of the applicant who

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.2.

suffers from very serious ailment of cereberal palsy requires constant attention of the mother and continued treatment, a transfer of the applicant at such a difficult phase in her life would add to her misery. The applicant, therefore made a representation on 6.10.2001 to the first respondent requesting that she may not be transferred for the time being. This representation has not been disposed of. Although the applicant has not been served with the order of transfer, coming to know of such an order, she made a representation to the second respondent on 8.4.2002. Apprehending that before a decision is taken by the second respondent, the applicant would be relieved, the applicant has filed this application seeking to set aside the order dated 2.4.2002 transferring the applicant to Chennai and alternatively for a direction to the second respondent to consider and pass orders on the representation of the applicant.

2. Shri Thottathil B.Radhakrishnan took notice on behalf of respondents 1 to 3. Learned counsel appearing agreed that the application may be disposed of directing the second respondent to consider the representation of the applicant (Annexure.A6) and to give her an appropriate reply within a reasonable time.

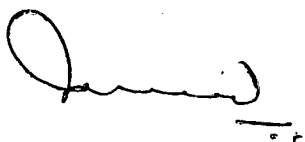
3. In the light of the above submission by the learned counsel for the respondents, the application is disposed of directing the second respondent to consider Annexure.A6 representation of the applicant and to give her an appropriate reply. In the interests of justice, we direct that the applicant shall be allowed to continue as Primary School Teacher at Kendriya Vidyalaya No.I,

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Kozhikode till an order of the second respondent on the applicant's representation is served on her. No costs.

Dated the 10th day of April, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the medical certificate dt.6.10.2001 issued by Dr.Sivakumar.
2. A-2 : True copy of the certificate of Phisical Handicap issued by the Superintendent on 6.9.01.
3. A-3 : True copy of the representation dt.6.10.01.
4. A-4 : True copy of the representation dt.2.1.02.
5. A-5 : True copy of order No.F-4-Estt/5yrs/20001-KVS(CHER) dated 20.2.2001 issued by the 1st respondent.
6. A-6 : True copy of representation dt.8.4.02 submitted by the applicant.

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12.4.02