

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 24/2001

Friday this the 12th day of January, 2001

CORAM

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

K.B.K. Unnithan,
Post Graduate Teacher (Physics)
Kendriya Vidyalaya, Pangode,
Trivandrum residing at N.D.101,
Indira Vihar Colony,
Cotton Hill Square, Vazhuthacaud,
Thycaud PO, Trivandrum. . .Applicant

(By Advocate Mrs. Sumati Dandapani)

V.

1. The Union of India, represented by the Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110 016.
2. The Deputy Commissioner (Finance) Kendriya Vidyalaya Sangathan, Establishment III Section, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110 016.
3. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, IIT Campus, Chennai.36.
4. Education Officer, Kendriya Vidyalaya Sangathan, Establishment III Section, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110 016.
5. The Principal, Kendriya Vidyalaya, Pangode Pin.695006.
6. The Principal, Kendriya Vidyalaya, Nehu Shillong, Meghalaya- 793001. . .Respondents

(By Advocate Mr. Thottathil B. Radhakrishnan (for R.1to6)

The application having been heard on 12.1.2001, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, Post Graduate Teacher (Physics) Kendriya Vidyalaya, Pangode, Trivandrum is aggrieved that by order dated 22.12.2000 he has been transferred to Shillong. It is alleged in the application that the wife of the applicant who is serving in the I.B. at Chennai got a transfer to Trivandrum only four months back on her representation to join her family and that the impugned order issued disrupting the family and putting the children education in jeopardy during the midst of the academic session is wholly unjust, illegal and unimaginative and opposed to instructions in regard to transfer, according to which, unless there is grave exigency, transfer should not be made during the midst of the academic session. With these allegations, the applicant seeks to have the impugned order to the extent it affects him set aside.

2. When the application came up for hearing on 8.1.2001 an interim order was issued directing that the impugned order to the extent it affects the applicant shall not be given effect to till this date. Today, when the application came up for hearing, learned counsel on either side submit that the application may be disposed of permitting the applicant to make a representation to the Ist respondent projecting all his grievances and directing the Ist respondent to dispose it of as expeditiously as possible providing that the impugned order to the extent it affects the applicant shall not be given effect to till the disposal

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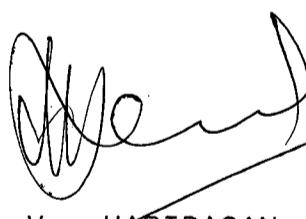
of the representation and if the decision on the representation is adverse to the applicant till after expiry of five clear working days of service of the orders on the applicant.

3. In the light of the above submission of the learned counsel on either side, the application is disposed of permitting the applicant to make a representation to the Ist respondent within ten days from today projecting all his grievances and directing the Ist respondent to consider and dispose of the representation as expeditiously as possible and that the impugned order to the extent it affects the applicant shall not be given effect to till the disposal of the representation and in case the order on the representation is adverse to the applicant till after expiry of five clear working days from the date of service on him of the order on the representation. No order as to costs.

Dated the 12 th day of January, 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

s.