

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.237/2002.

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

Annamma Mathew, D/o Mathew,
PGT (Maths),
Kendriya Vidyalaya No.1, Naval Base,
Kochi-682 004.

Applicant

(By Advocate Shri K.P.Dandapani)

Vs.

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Sing Marg,
New Delhi-110 016.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Chennai Region, IIT Campus,
Chennai-600 036.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Bangalore Region,
St. John's Road, Opp. Naga Theatre,
Bangalore-560 042.
4. The Principal,
Kendriya Vidyalaya No.I,
Naval Base, Cochin-682 004.
5. The Principal,
Kendriya Vidyalaya No.1,
Vasco-da-Gama, Goa.
6. Smt.Gracy Franklin,
PGT(Maths), Kendriya Vidyalaya No.1,
Naval Base, Cochin-682 004.

(By Advocate Shri Thottathil B.Radhakrishnan (R.1-5)

The application having been heard on 10th 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 PGT(Maths) Kendriya Vidyalaya No.1, Naval
Base, Kochi has filed this application impugning the order A-1

dated 1.4.2002 to the extent of her transfer to Vasco-da-Gama on the ground of surplusage and A-2 order by which she has been relieved on 3.4.2002. It is alleged in the application that the applicant joined KV No.I, Naval Base only on 2.7.01; that the transfer within such a short time is unjustified. It is also stated that the applicant as also the 6th respondent having been posted in KV No.I by a common order just for the reason that the 6th respondent joined KV No.I ten days later, to identify the applicant to be transferred on the ground of surplusage is unjustified. The applicant has also sought to challenge the policy of transferring a person who have longer stay in the event of surplusage. The applicant has also stated that she being an unmarried woman her transfer would affect adversely her chances of getting married. With these allegations, the applicant has sought for the following reliefs.

- i. Call for the records leading to the order Annexures A1, A2 and A6 and issue an order setting aside Annexure A1 transfer order dated 3.4.2002 passed by the Ist respondent as far as the applicant is concerned transferring her from Kendriya Vidyalaya, No.1, Naval Base, Cochin, to Kendriya Vidyalaya No.1, Vasco-da-Gama, Goa and setting aside Annexure A2 relieving order, thereby enabling the applicant to continue work at Kendriya Vidyalaya No.1, Naval Base, Cochin, till the disposal of the Original Application.
- ii. declare that the clause in annexure A6, the teacher of the particular category, who had the longest stay in the vidyalaya should move out on transfer first on the ground of automatic surplus is arbitrary and illegal and liable to be struck down;
- iii. direct the first respondent not to appoint any more T.G.T. (Maths), at Kendriya Vidyalaya No.1, Naval Base, Cochin, pending disposal of the Original application'
- iv. direct the first respondent to consider Annexure A7 representation forthwith, pending disposal of the Original Application; and
- v. pass such other orders and directions as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.'

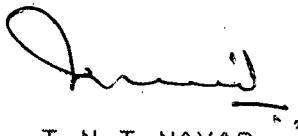
2. Shri Thottathil B.Radhakrishnan has appeared for the respondents 1 to 5. We have heard the learned counsel on either side and have perused the materials placed on record. From the impugned order A-1 itself it is evident that transfer has become essential on account of surplusage. If one PGT (Maths) is surplus in KV-I Naval Base, the administration necessarily have to move one of the PGT (Maths). As between 6th respondent and the applicant, although have a very short time of 10 days the applicant has such longer stay. As per the guidelines in regard to transfer on surplusage, the persons who has longer stay should go first. That is the policy evolved by the Kendriya Vidyalaya Sangathan based on their own standards and requirements. We find that the Tribunal cannot sit on judgement on the policy and the Tribunal cannot interfere in the matter of policy, unless it is totally arbitrary and discriminatory. The challenge to policy, therefore, *prima facie* has no force. That the applicant's chances of getting married would be adversely affected if she is transferred, is not a sufficient reason for the Tribunal to interfere in an order of transfer issued in exigencies of service. However, it is for the applicant to make a representation to the competent authority projecting her problems and difficulties and seek a posting to a place of her convenience. It is stated that vacancies are likely to arise in the near future in and around Cochin and it may be possible for the first respondent to take a sympathetic view and give a posting to the applicant to a nearby station. However, these are all matters which can be decided by the first respondent and not by us. While declining to admit the O.A. we expect that, if a representation is made by the applicant for a posting in a nearby

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station to the first respondent, the first respondent would consider the same and remedy her grievance if administrative feasibility would permit.

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

Dated the 10th April, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : Transfer order No.F.1-3/2002-2003/KVS(Estt.III)/Vol.II dated 1.4.2002 passed by the 1st respondent transferring the applicant from Kendriya Vidyalaya No.1, Naval Base, Cochin to Kendriya Vidyalaya No.1, Vaso-da-Gama, Goa.
2. A-2 : Relieving order No.STF/102/2002-03 dated 3.4.2002 issued by the Principal, Kendriya Vidyalaya No.1, Naval Base, Cochin 4th respondent.
3. A-3 : True copy of relieving order No.F-15/KVSJ/2001 dated 30.6.2001 issued by the Principal, KV No.1, Bangalore.
4. A-4 : True copy of representation dated 15.12.2001 submitted by the applicant before the 1st respondent.
5. A-5 : True copy of Transfer Guideline of the Kendriya Vidyalaya Sangathan.
6. A-6 : True copy of order No.F.1-1-/96-KVS(Estt.III) dated 23.7.96 issued by the 1st respondent.
7. A-7 : True copy of representation dated 30.3.2002 submitted by the applicant before the 1st respondent.

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