

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Friday this the 12th day of January, 2001

O.A.NO.25/2001

CORAM

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

C.N.Nanukuttan Nair,
Trained Graduate Teacher (Biology)
Kendriya Vidyalaya,
INS Dronacharya,
Fort Cochin
residing at 26/1520, Vasantha,
Thevara, Cochin.12.

(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-11 00 16.
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,
(Estt.III Section)
18, Institutional Area,
Shaheed Jeet Singh Marg
New Delhi.110 016.
5. The Principal,
Kendriya Vidyalaya,
INS Dronacharya,
Fort Cochin.
6. The Principal, Kendriya Vidyalaya,
Gangtok,Sikkim.
7. Shri John,
Trained Graduate Teacher (Biology)
Kendriya Vidyalaya,
Gangtok, Sikkim.Respondents

(By Advocate Mr.Thottathil B.Radhakrishnan (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, a Trained Graduate Teacher (Biology), Kendriya Vidyalaya, INS Dronacharya, Fort Kochi is aggrieved by transfer order dated 21.12.2000 (A1) by which he has been transferred to Kendriya Vidyalaya, Gangtok and the relieving order dated 5.1.2001 (A2). It is alleged in the application that the transfer order is issued against the norms prescribed in the transfer policy and it is in the midst of the academic session. The applicant also alleged that the applicant has already completed his tenure of service in hard stations. The applicant has also pointed out the names of some teachers who have got longer stay than him and submits that when the teachers with longer stay are retained there is no justification for choosing the applicant who had already worked in the hard station for transfer. With these allegations, the applicant seeks to have the impugned orders Annexure.A1 & A2 set aside to the extent it affects the applicant and in the alternative to consider the Annexure.A3 representation made by the applicant.

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 directing the Ist respondent to consider and dispose of the representation (A3) submitted by the applicant as expeditiously as possible providing that the impugned order shall not be given effect to to the extent it affects the applicant till the disposal

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

3. In the light of the above submission of the learned counsel on either side, the application is disposed of directing the Ist respondent to consider the Annexure.A3 representation of the applicant 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 if the decision is adverse to the applicant till after expiry of five clear working days of service of orders on the representation on the applicant. No order as to costs.

Dated the 12th day of January, 2001



T.N.T. NAYAR

ADMINISTRATIVE MEMBER



A.V. HARIDASAN

VICE CHAIRMAN

s.

List of annexures referred to:

Annexure.A1:True copy of Order
No.F.7-1/(5D)/2000-KVS(ESTT.III) dated
21.12.2000 passed by the 4th respondent.

Annexure.A2:True copy of Order
No.F.28/KV/DNC/2000-01/446 dated 5.1.2000
issued by the 5th respondent.

Annexure.A3:True copy of the representation submitted
by the applicant before the Ist respondent
dated 5.1.2001.

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