

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 251/02

Friday, this the 12th day of April, 2002

CORAM :

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

K.P. Gangadevi,
D/o Late K.R. Parameswaran Nair, aged 41 years,
Upper Division Clerk,
Kendriya Vidyalaya No.1,
Naval Base, Kochi,
residing at Venu Mandiram,
Irimpanam P.O., Chithranjali Junction,
East of Hill Palace,
Pin - 682 309. Applicant

(By Advocate Shri R. Sree raj)

Vs

1. Union of India rep. by the
Secretary to Government of India,
Ministry of Human Resources,
New Delhi.
2. Commissioner, Kendriya Vidyalaya Sangathan,
New Delhi.
3. The Education Officer,
Kendriya Vidyalaya Sangathan, New Delhi.
4. The Principal, Kendriya Vidyalaya No.1,
Naval Base, Kochi. Respondents

(By Mr. Thottathil B. Radhakrishnan)

The application having been heard on 12.4.2002, the
Tribunal on the same day delivered the following :

ORDER

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

The applicant, a U.D.C. in Kendriya Vidyalaya No.I, Naval
Base, Kochi, has filed this application for the following reliefs :-

(i) To quash Annexure A1 to the extent it deletes one post
of Upper Division Clerk from the Staff strength of the
Kendriya Vidyalaya No.I, Naval Base, Kochi.

(ii) To declare that the staff sanction in the Kendriya
Vidyalaya No.I, Naval Base, Kochi, in so far as the
category of the Upper Division Clerk is concerned, is not
done in accordance with the norms on the subject and

therefore, there is no surplus in the category of Upper Division Clerk in the Kendriya Vidyalaya No.1, Naval Base, Kochi and direct the respondents not to transfer the applicant from the Kendriya Vidyalaya No.1, Naval Base, Kochi on account of surplussage in the category of Upper Division Clerk.

(iii) To quash Annexure A3 to the extent it denies the applicant an opportunity to make a representation against her transfer on the ground of surplussage and keeping in abeyance of transfer till a decision on the representation is communicated to her and direct the respondents that in case the applicant is transferred on the ground of surplussage from the Kendriya Vidyalaya No.1, Naval Base, Kochi to give her fifteen days time to represent against such transfer order and not to relieve her till after five clear days of communication of any order on such representation.

(iv) Grant such other relief as may be prayed for and the Tribunal may deem fit to grant, and,

(v) Grant the costs of this Original Application.

2. It is alleged in the application that without considering the existence of 46 Sections, the deletion of one post of U.D.C. from Kendriya Vidyalaya, Naval Base has been made in Annexure A1 order and that the decision taken contained in A3 to take away the benefit of a representation to transferred staff is arbitrary.

2. The learned counsel of the applicant argued that if the applicant is transferred that would cause him undue hardship. However that is no reason to interfere with the policy decision taken by the administration in regard to fixation of staff strength and readjustment of staff under the Sangathan to suit the administrative requirement. The decision to do away with the procedure for representation etc. taken in the facts and also circumstances/are unexceptionable.

3. We therefore do not find any valid cause of action.

4. In the light of what is stated above, the application is rejected under Section 19(3) of the AT Act, 1985.

Dated the 12th April, 2002.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures :

1. A-1 : True copy of the relevant portion of the staff sanction order F 17-25/94-KVS (O&M)/ dated 3.12.2002 issued on behalf of the 2nd respondent.
2. A-2 : True copy of the representation dated 10.12.2001 submitted by the Kendriya Vidyalaya Non-Teaching Staff Association to the Hon'ble Minister for Human Resources Development & Others.
3. A-3 : True copy of the letter No.F1-3/2001-2002/KVS(Estt. HI) dated 21.9.2001 issued by the Education Officer, Kendriya Vidyalaya Sangathan.

opp
15.4.02