

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.252/2002

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

V.C.Molly,
Upper Division Clerk,
Kendriya Vidyalaya, Port Trust,
Kochi.Applicant

(By Advocate Sri R.Sreeraj)

VS.

1. Union of India represented 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,
Port Trust, Kochi.

..Respondents

(By Advocate Sri 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, an Upper Division Clerk, Kendriya Vidyalaya, Port Trust, Kochi has filed this application for the following reliefs:-

- i. To quash Annexure Al to the extent it deletes one post of Upper Division Clerk from the staff strength of the Kendriya Vidyalaya, Port Trust, Kochi.
- ii. To declare that the staff sanction in the Kendriya Vidyalaya, Port Trust, 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 UDC

in the Kendriya Vidyalaya, Port Trust, Kochi and direct the respondents not to transfer the applicant from the Kendriya Vidyalaya, Port Trust, Kochi on account of surplusage 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 surplusage 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 surplusage from the Kendriya Vidyalaya, Port Trust, 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 44 sections, the deletion of one post of U.D.C. from Kendriya Vidyalaya, Port Trust, Kochi 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. 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

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for representation etc. taken in the facts and circumstances also 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 Administrative Act, 1985.


(T.N.T. NAYAR)
ADMINISTRATIVE MEMBER


(A.V. HARIDASAN)
VICE CHAIRMAN

/njj/

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the relevant portion of the staff sanction order F 17-27/94-KVS (O&M)/ dated 3.12.2001 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.

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