

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 253/2002

Friday, this the 12th day of April, 2002

CORAM :

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

Umesh Kumar T.,
S/o Late K. Govinda Menon, aged 35 years,
Lower Division Clerk,
Kendriya Vidyalaya No.1,
Hemambika Nagar,
Palakkad - 678009,
residing at Quarter No.12,
Jawahar Navodayala Vidyalaya,
Malampuzha Quarters,
Malampuzha P.O.,
Palakkad.

... Applicant

(By Advocate Mr. R. Sreeraj)

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.I,
Hemambika Nagar,
Palakkad-678009.

... Respondents

(By Mr. Thottathil B. Radhakrishnan)

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

ORDER

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

The applicant, a L.D.C., Kendriya Vidyalaya No.I,
Hemambika Nagar, Palakkad, has filed this application for the
following reliefs :-

- (i) To quash Annexure A1 to the extent it deletes one post
of Lower Division Clerk from the staff strength of the
Kendriya Vidyalaya No.I, Hemambika Nagar, Palakkad.

(ii) To declare that the staff sanction in the Kendriya Vidyalaya No.I, Hemambika Nagar, Palakkad, in so far as the category of the Lower 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 Lower Division Clerk in the Kendriya Vidyalaya No.I, Hemambika Nagar, Palakkad and direct the respondents not to transfer the applicant from the Kendriya Vidyalaya No.I, Hemambika Nagar, Palakkad on account of surplusage in the category of Lower Division Clerk.

(iii) To quash Annexure A3 to the extent it denies the applicant an opportunity to make a representation against his transfer on the ground of surplusage and keeping in abeyance of transfer till a decision on the representation is communicated to him and direct the respondents that in case the applicant is transferred on the ground of surplusage from the Kendriya Vidyalaya No.I, Hemambika Nagar, Palakkad to give him fifteen days time to represent against such transfer order and not to relieve him 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 38 Sections, the deletion of one post of L.D.C. from Kendriya Vidyalaya No.I, Hemambika Nagar, Palakkad 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.

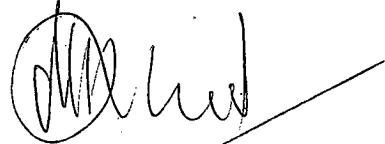
3. The learned counsel of the applicant argued that if the applicant is transferred that would cause him undue hardship. However that is no reason to interfere with the policy decision taken by the administration in regard to fixation of staff strength and readjustment of staff under the Sangathan to 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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A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the relevant portion of the staff sanction order F 17-37/94-KVS (O&M)/ dated 3.12.2001 issued on behalf of the 2nd respondent.
2. A-2 : True copy of the representation dt.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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15.4.02