

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.254/2001.

Thursday, this the 15th day of March, 2001.

CORAM:

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

K.K.Gopi, TGT(Maths),
Kendriya Vidyalaya, Ottapalam,
Palakkad (dt).

Applicant

(By Advocate Shri M.R.Rajendran Nair)

Vs.

1. Union of India, represented by the
Secretary to Government of India,
Ministry of Human Resources &
Development, New Delhi.
2. Commissioner,
Kendriya Vidyalaya Sanghatan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
3. Deputy commissioner (Finance),
Kendriya Vidyalaya Sanghatan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
4. Assistant Commissioner,
Kendriya Vidyalaya Sanghatan,
Regional Office, Chennai.
5. V.H.Madhusundaran Nair,
Kendriya Vidyalaya,
No.1, AFS Jamnagar (Gujarat),
Now at Kendriya Vidyalaya,
Ottapalam.

Respondents

(By Advocate Shri Thottathil B. Radhakrishnan, (R.2-4)

By Advocate Shri P.J.Philip, ACGSC (R-1)

The application having been heard on 15.3.2001, the Tribunal
on the same day delivered the following:

O R D E R

The applicant, Shri K.K.Gopi, a Trained Graduate Teacher
in Maths., Kendriya Vidyalaya Ottapalam, is aggrieved against the
impugned order A-7 Memorandum whereby his representation for

reconsideration of A-1 and A-2 Transfer orders was rejected after adducing elaborate reasons. At the admission stage it was submitted by the learned counsel for the applicant that although the subject matter of the grievance raised in the application viz., transfer from KVS Ottapalam to KVS Jamnagar during the middle of the academic year 2000-2001 has lost much of its effect in view of the time taken for the disposal of the applicant's representation in terms of this Tribunal's order in O.A.1315/2000, the applicant has made a representation pursuant to A-5 notification for 2001-2002 issued by Deputy Commissioner, Kendriya Vidyalaya Sangathan, New Delhi dated January 12, 2001. According to him, the applicant's request for accommodation in one of the preferred stations might be considered without violating, in any manner, the transfer guidelines in force.

2. Shri Thottathil B. Radhakrishnan, learned counsel for R.2 to 4 has contended that the issue raised with regard to the priorities of 2001 - 2002 is foreign to the matter under consideration in the present application. He would further submit that the admittedly harmful effect of the transfer of the applicant from Ottapalam to Jamnagar in 2000-2001 is abated already and that since the applicant is not likely to be shifted before 31.3.2001, the application under consideration does not have any merit and is liable to be dismissed. With regard to the further representation said to have been made by the applicant in respect of 2001-2002, learned counsel has been gracious enough to state that this matter will be considered on merits and a dispassionate decision would be taken by the organisation.

3. In view of the facts discussed above, the application is admitted and disposed of on mutual consent without further pleadings. I consider that the plea regarding the injustice said to have been done by the impugned transfer has virtually lost its steam since by virtue of this Tribunal's order in O.A.1315/2000 dated 15.12.2000 the applicant has been allowed to be retained in the station where he was working till the disposal of his representation. In view of the statement now made by the learned counsel for the respondents to the effect that the applicant is not likely to be shifted before 31.3.2001, I find that there is very little to be acted upon in relation to this application, and hence the O.A. is liable to be dismissed. However, I proceed to dispose of the application on the strength of the assurance given in the court by the learned counsel for the respondents to the effect that the applicant would not be shifted out of Ottapalam, before 31.3.2001.

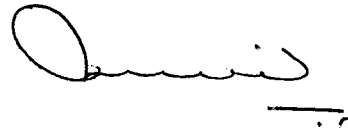
4. It is therefore, made clear that the applicant shall not be relieved in terms of the impugned transfer order before 1.4.2001. Having regard to the submission that the applicant has indeed filed a further representation in relation to the

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priorities of 2001-2002 (See A-5), I express the hope that the respondent - organisation will certainly consider, as promised, the claim of the applicant in strict adherence to the existing transfer norms.

5. O.A. is disposed of as above. No costs.

Dated the 15th March 2001..



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

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LIST OF ANNEXURES REFERRED TO IN THE ORDER:

A-1: True copy of the Order No.F.7-1(D)/2000-KVS(ESTT.III) dated 28.11.2000 issued by the 3rd respondent.

A-2: True copy of the Order No.F.7-1(5-D)/2000-KVS(Estt.III) dated 28.11.2000 issued by the 3rd respondent.

A-5: A true copy of the order No.F.1/2001-KVS(Estt.III) dated 12/1/2001 issued by the 3rd respondent.

A-7: True copy of the Memorandum No.F.19-28(3)/2001--KVS(L&C) dated 5.3.2001 issued by the 2nd respondent.