

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 254/2002

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

Latha R., W/o K.M.A. Manaf, aged 32 years,
Lower Division Clerk,
Kendriya Vidyalaya,
Kanjikode, Palakkad - 678623,
residing at Safa Manzil,
Mundakkodu, Piruvusala,
Chndra Nagar P.O.,
Palakkad - 678007.

... 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,
Kanjikode,
Palakkad.

... 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 L.D.C., Kendriya Vidyalaya, Kanjikode,
Palakkad, has filed this applicaton for the following reliefs :

(i) To quash Annexure A1 to the extend it delets 1 post of
Lower Division Clerk from the staff strenmgth of the
Kendriya Vidyalaya, Kanjikode.

(ii) To declare that the staff sanction in the Kendriya/
Kanjikode, in so far as the category of Lower Division
Clerk is concerned, is not done in accordamce with the
norms on the subject and therefore there is no surplus in
the category of Lower Division Clerk in the Kendriya
Vidyalaya, Kanjikode and direct the respondents not to
transfer the applicant from the Kendriya Vidyalaya,
Kanjikode, on account of suplusage 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 her transfer on the ground of surplusage and keeping in abeyance of transfer till a decision on the representation is communicated to her and to direct the respondents that in case the applicant is transferred on the ground of surplusage from the Kendriya Vidyalaya, Kanjikoode, to give her 15 days time to represent against such transfer order and not relieve her till after 5 clear days of communication of any order on such representation.

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

(v) Grant the cost of this Original Application.

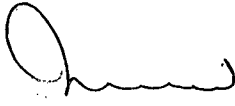
2. It is alleged in the application that without considering the existence of 34 Sections, the deletion of one post of L.D.C. from Kendriya Vidyalaya, Kanjikoode, Palakkad has been made in Annexure A1 order and that the decision taken contained in A3 to take away the benefit of a representation to transferred 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.

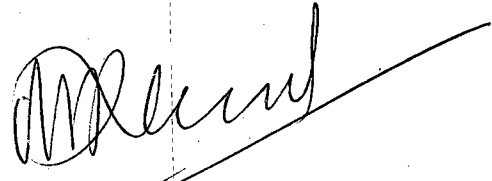
3. We therefore do not find any valid cause of action.

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 17-38/94-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 Resource Development & Others.
3. A-3 : True copy of the letter No.F1-3/2002-2002/KVS(Estt.III) dated 21.9.2001 issued by the Education Officer, Kendriya Vidyalaya Sangathan.

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15.4.02