

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 259/02

Tuesday this the 16th day of April, 2002.

CORAM

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

M.Purushan
S/o K.Madhavan
Lower Division Clerk
Kendriya Vidyalaya, Ernakulam
Kochi 680 020.

...Applicant

(By advocate Mr.R.Sreeraj/Mr.Hariraj)

Versus

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, Ernakulam
Kochi.

...Respondents.

(By advocate Mr.T.B.Radhakrishnan)

The application having been heard on 16th April, 2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant, aggrieved by the imminent threat of his
transfer from Kendriya Vidyalaya, Ernakulam, Kochi has filed this
OA seeking the following reliefs:

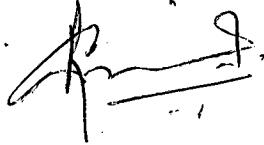
- i. To quash Annexure A1 to the extent it deletes one post of
Lower Division Clerk from the staff strength of the
Kendriya Vidyalaya, Ernakulam, Kochi.



- ii. To declare that the staff sanction in the Kendriya Vidyalaya, Ernakulam, Kochi 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 LDC in the Kendriya Vidyalaya, Ernakulam, Kochi and direct the respondents not to transfer the applicant from the Kendriya Vidyalaya, Ernakulam, Kochi 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, Ernakulam, Kochi 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. When the OA came up for admission on date, counsel on both sides submitted that this OA is similar to the OA No.251/02 filed by an UDC in Kendriya Vidyalaya No.1, Naval Base, Kochi advancing similar grounds and seeking similar reliefs as in this OA and that the said order in that OA squarely applies to this OA.

3. We have carefully gone thorough the pleadings in this OA and also the factual position and the grounds and the reliefs sought for in OA 251/02 as reflected in the order dated 12.4.02 in that OA. We find they are similar.



4. Following the conclusions of this Tribunal in that OA with which we agree and taking into account the submissions made by the counsel for both parties, we hold that the applicant does not have any valid cause of action. As a result, this OA is only to be rejected under Section 19 (3) of the Administrative Tribunals Act, 1985 and we do so.

Dated 16th April, 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

aa.

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the relevant portion of the staff sanction order F 17-29/94-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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22.4.02