

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 263/2002

Wednesday, this the 17th day of April, 2002.

CORAM :

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

C.M. Gopinathan Nair,
Aged 41 years, S/o C.P. Kunhambu Nair,
Trained Graduate Teacher(Social Sciences),
Kendriya Vidyalaya, Payyanur,
residing at 'Jyothis' Chandera, Post Maniyat,
Via. Thrikkaripur, Kasargode District. Applicant

(By Advocate Mr. Shafik M.A.)

Vs

1. Union of India rep. by Secretary,
Department of Education,
Ministry of Human Resources Development,
New Delhi.

2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-16.

3. The Deputy Commissioner(Admn.),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-16. Respondents

(By Mr. Thottathil B. Radhakrishnan)

The application having been heard on 17.4.2002, the Tribunal on the same day delivered the following :

ORDER

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

Shri C.M. Gopinathan Nair, Trained Graduate Teacher(T.G.T.) (Social Sciences), Kendriya Vidyalaya, Payyanur, has filed this application aggrieved by his transfer by order dated 2.4.2002(A1). It is alleged in the application that as against two vacancies of T.G.T.(Social Sciences), one post is vacant in Payyanur and other post is occupied by the applicant, that even without displacement of the applicant another person could be accommodated there, that the displacement of the

applicant was not warranted and that therefore the impugned order to the extent of transfer of the applicant is neither justified nor necessary in the factual backdrop. The applicant therefore seeks to set aside the impugned order to the extent it affects him and for a declaration that he is entitled to continue in his present place of posting at Kendriya Vidyalaya, Payyanur and to direct the respondents to dispose of A8 representation.

2. When the application came up for hearing today, Shri Thottathil B. Radhakrishnan took notice for respondents. The learned counsel for respondents agrees that the application may be disposed of directing the 3rd respondent to consider the A8 representation and to give the applicant an appropriate reply keeping the relief of the applicant pending. Shri Shafik M.A., the learned counsel for the applicant stated that the applicant would submit a supplementary representation which may also be directed to be considered by the respondents.

3. In the light of the above submission made by counsel on either side, the application is disposed of permitting the applicant to make a supplementary representation within a week from today to the 3rd respondent and directing the 3rd respondent to consider A8 representation as also the supplementary representation, if any made by the applicant and to give him an appropriate reply within a reasonable time. I also direct that till an order of the 3rd respondent on the representations of the applicant is served on him, no further action affecting the applicant on the basis of the impugned order A1 shall be taken. No costs.

Dated the 17th April, 2002.


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 order No.F.7(D) (TGT/SOST)/2002/KVS (Estt.III) dated 2.4.2002 issued by the 3rd respondent.
2. A-2: True copy of the Order No.F.1-1/2001-KVS(Estt.II) dated 12.1.2002 issued by the 3rd respondent.
3. A-3: True copy of the transfer guidelines issued as per order No.F.7-Estt/2000/KVS (BGR) dt.27.1.2000.
4. A-4: True copy of the request registered with the Sangathan in priority list II of Sri.Shamsudhin.
5. A-5: True copy of the request registered with the Sangathan in priority list II of Sri. Shamsudhin.
6. A-6: True copy of the request registered with the Sangathan in priority list I of Sri.Vinodan.
7. A-7: True copy of the request registered with the Sangathan in priority list II of Sri.Vinodan.
8. A-8: True copy of the representation dated 8.4.2002 submitted by the applicant to the 3rd respondent.

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18.4.02