CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 292/2002

Tuesday this the 30th day of April, 2002.

CORAM

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

N.Gopalan
S/o Late N.Palan
Lower Division Clerk
Kendriya Vidyalaya No.1 P.O.
West Hill, Calicut. Applicant

(By advocate Mr.R.Sreeraj)

Versus

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.1 P.O.
West Hill, Calicut. Respondents

(By advocate Mr.T.B.Radhakrishnan)

The application having been heard on 30th 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 No.1 P.O. West Hill, Calicut has filed this Original Application 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 No.1.P.O., West Hill, Calicut-673005.

ii. To declare that the staff sanction in the Kendriya Vidyalaya No.1 P.O. West Hill, Calicut 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 No.1. P.O. West Hill, Calicut and direct the respondents not to transfer the applicant from the Kendriya Vidyalaya No.1, West Hill, Calicut on account of surplusage in the category of LDC.

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.1, West Hill, Calicut 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, it was submitted that this OA is similar to the OA No.258/02 filed by one UDC of Kendriya Vidyalaya Pattom, Thiruvananthapuram. We find from the order of this Tribunal dated 16.4.02 in OA 258/02 that this Tribunal following the order in OA No.251/02 rejected the OA at the admission stage under section 19(3) of the Administrative Tribunals Act, 1985.

3. We have carefully gone through this OA and we find that the imminent threat of transfer of the applicant has arisen due to reduction in the strength of ministerial staff in the Kendriya Vidyalaya and the facts and circumstances are similar.

4. Accordingly, following the conclusion of this Tribunal in OA 251/02 and OA 258/02 and taking into account the factual position in this OA, the applicant in this OA does not have any valid cause of action. Accordingly we reject this OA under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 30th 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 17-41/KVS (O&M)/ dated Nil 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 III) dated 21.9.2001 issued by the Education Officer, Kendriya Vidyalaya, Sangathan.

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