

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 292/03

Dated Monday this the 7th day of April, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Sambhu Potti
S/o Sankaranarayanan
Yoga Teacher
Kendriya Vidyalaya, Pattom
Thiruvananthapuram.

Applicant

(By advocate Mr.K.P.Dandapani)

Versus

1. The Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi.
2. The Joint Commissioner (Administration)
Kendriya Vidyalaya Sangathan
Establishment III Section
18 Institutional Area
Shaheed Jeet Singh Marg
New Delhi.
3. Smt.Rosamma Varghese
Yoga Teacher
Kendriya Vidyalaya
Girinagar, Ernakulam.

Respondents.

(By advocate Mr.Thottathil B.Radhakrishnan)

The application having been heard on 7th April, 2003, the Tribunal on the same day delivered the following:

O R D E R

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

Applicant, a Yoga Teacher at Kendriya Vidyalaya, Pattom, Trivandrum, under orders of transfer to kendriya Vidyalaya, Cochin No.III (Port Trust), has filed this application challenging Annexure A-1 order of transfer dated 31.3.2003 by which he has been transferred to Kendriya Vidyalaya, Cochin No.III (Port Trust) and the 3rd respondent has been posted in his place. The applicant has also challenged Annexure A-4 amendment to the transfer guidelines. However, when the application came

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up for hearing, the learned counsel of the applicant stated that the applicant is not pressing the challenge against A-4. Regarding the challenge against A-1 to the extent he has been transferred to Kendriya Vidyalaya Cochin No.III (Port Trust), it is alleged that the 3rd respondent having given Ernakulam as her option should have been accommodated in an open vacancy at Girinagar, Ernakulam and the displacement of the applicant could have been avoided. The applicant challenges the order mainly on the ground of discrimination as the ground of sex alleging that his transfer became necessary to accommodate the third respondent.

2. The learned counsel of the respondents, taking notice on behalf of the respondents, stated that the transfer has been made in the exigency of service and after taking into account all the relevant aspects of the matter and without any malafides. The counsel pleaded that under the circumstances, the Tribunal may not interfere.

3. On a careful scrutiny of the application and the appended material and on hearing the learned counsel on either side, we are satisfied that this is not a fit case where the Tribunal should intervene. The applicant who has been working for nearly 18 years at Trivandrum has been transferred within the notional zone and that too within a distance of 200 kilometers. No malafide has been alleged against the competent authority. The applicant has not raised any allegation that any statutory rule

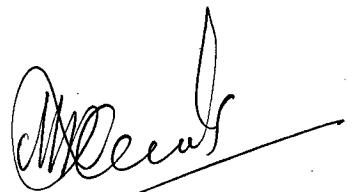
has been violated. Under these circumstances, we think we should refrain ourselves from interfering with the routine administrative matters like transfer. Therefore, the application is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985. No costs.

Dated 7th April, 2003.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

aa.



A.V. HARIDASAN
VICE CHAIRMAN