

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.296/2002

Wednesday this the 1st day of May, 2002.

CORAM

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

T.G.Ilangovan
S/o E.Govinda Swami
Lower Division Clerk
Kendriya Vidyalaya, Pallipuram
Trivandrum.
Residing at 15 Gandhi Street
Manavala Nagar, Thiruvalluvar
Chennai - 602 002.

Applicant.

(By advocate Mr.R.Sreeraj)

Versus

1. Union of India rep. by
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
Pallipuram
Trivandrum.

Respondents

(By advocate Mr.Thottathil B.Radhakrishnan)

The application having been heard on 1st May, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant is working as Lower Division Clerk in the Kendriya Vidyalaya, Pallipuram, Trivandrum. He has filed this Original Application aggrieved by the imminent threat of his transfer from Kendriya Vidyalaya, Pallipuram, Trivandrum because of A-1 order. A-1 the impugned order dated 3.12.2001 communicates the sanction of the Commissioner, Kendriya Vidyalaya



to the opening of classes and creation of posts of various categories of teaching and non-teaching staff during 2002-03 for Kendriya Vidyalaya, Pallipuram. According to the said order, the number of posts of LDCs has been reduced from 2 for the year 2001-02 to 1 for the year 2002-03. Apprehending that by this reduction the applicant being the longest stayee in the category of LDC in the Kendriya Vidyalaya, Pallipuram will be transferred, he has filed this Original Application.

2. We heard the learned counsel for the applicant as well as the counsel for the respondents.

3. On careful consideration of the submissions of the learned counsel for the parties and the material contained in this OA we are of the view that the sanction of classes/sections and the required staff strength for the same are the functions of the executive generally not amenable to judicial review. If as a result of changes in the sanction of classes/sections for the year 2002-03, it would become necessary for the executive authority to make changes in the sanctioned strength of posts of teaching and non teaching staff, the same is a managerial function. By seeking to interfere in the matter at this stage the applicant is trying to have an order issued to the executive to prevent them from exercising their normal managerial functions and he has no valid cause of action to feel aggrieved at this stage. It was also submitted that other similar Original Applications (e.g. OA No.258/02) filed by other applicants seeking similar reliefs had been rejected by this Tribunal at the admission stage.

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3. In the light of the above, we do not find any subsisting cause of action for the applicant to approach this Tribunal at this stage.

4. Accordingly we reject this OA at the admission stage under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 1st May, 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 17-35/94-KVS(D&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 III) dated 21.9.2001 issued by the Education Officer, Kendriya Vidyalaya Sangathan.

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6.5.02