

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.298/09

Tuesday this the 19th day of May 2009

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

Babu C.D.,
S/o.Divakaran C.K.,
Work Experience Teacher,
Kendriya Vidyalaya (KV),
Port Trust, Cochin – 3.
Residing at E-II/252, Port Trust Quarters,
RNAS Area, Willingdon Island, Kochi – 682 003. ...Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18 – Institutional Area, Shahid Jeet Singh Marg,
New Delhi – 110 016.
2. The Education Officer,
Kendriya Vidyalaya Sangathan,
18 – Institutional Area, Shahid Jeet Singh Marg,
New Delhi – 110 016.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, I.I.T. Campus,
Chennai – 600 006.
4. The Principal,
Kendriya Vidyalaya,
Port Trust, Kochi – 682 003.
5. Shri.C.V.Shine,
Work Experience Teacher,
Kendriya Vidyalaya No.II,
ONGC, Nazira P.O.,
Sibsagar District, Assam. ...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 19th May 2009 the Tribunal on the same day delivered the following :-

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ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is presently working as a Work Experience Teacher under the 4th respondent, namely, the Principal, Kendriya Vidyalaya, Port Trust, Kochi. He is aggrieved by Annexure A-1 order No.F.11046/PL-II/MSC(WETR)/2009/KVS(ESTT.III) by which he has been transferred to Kendriya Vidyalaya, Rameshwaram.

2. The applicant has submitted that his transfer was made in violation of the transfer guidelines followed by the respondents department. He has also submitted that one vacancy of a Work Experience Teacher exists at Kendriya Vidyalaya, Sulur even today and that is the nearest school as far as he is concerned. He has also submitted that his children are studying at Plus Two Standard and Plus Two classes are not available in the K.V in Rameshwaram. Counsel for the applicant submitted that the transfer order has been issued with a direction to report to the new place of posting without giving any opportunity to the applicant to file a representation and, therefore, the applicant has approached this Tribunal without exhausting the departmental remedy of making a representation to the respondents.

3. Counsel for the respondents has refuted the contention of the applicant that he has been transferred without following the prescribed guidelines.

4. I have heard both the parties. In my considered view this OA can be disposed of at the admission stage itself without calling for a reply from the respondents. Accordingly, I direct the applicant to make a representation



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to the 1st respondent within a period of one week. On receipt of such a representation the 1st respondent shall consider the same in accordance with the rules, regulations and instructions in the matter and pass a reasoned and speaking order within a period of thirty days under intimation to him. Till such time, the applicant shall not be relieved from the present place of posting.

5. With the aforesaid direction, this OA is disposed of. There shall be no order as to costs.

(Dated this the 19th day of May 2009)



GEORGE PARACKEN
JUDICIAL MEMBER

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