

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.334/2008

Wednesday this the 25 th day of June, 2008.

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

LK.Sudharma,
W/o Pradeep Kumar A.K.,
TGT Hindi, KV Kannur,
(under orders of transfer to KV 2, Mangalore)
residing at Revathy, Elayavoor South,
Thazhe Chovva, Kannur-18. Applicant

(By Advocate Shri.P.V.Surendranath)

Vs.

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
No.18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Bangalore.
3. The Chairman, The Board of Governors,
Kendriya Vidyalaya Sangathan,
No.18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.
4. The Principal, Kendriya Vidyalaya,
Kannur.
5. Smt.Preethy N, TGT Hindi,
KV 2, Mangalore, (under orders of
transfer to KV 2, Kannur). Respondents

(By Advocate Shri. Thomas Mathew Nellimoottil)

The application having been heard on 25.6.2008,
the Tribunal on the same day delivered the following.

ORDER

HONB'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant who has been serving in KV.Kannur as TGT(Hindi) since
2002 has been transferred to KV No.2, Mangalore. The authorities have invoked para
17.4 of the Transfer guidelines to effect this transfer.

2. Normally, such transfers take place prior to or during first half of Summer vacation to enable the transferred individuals to effect transfer order. In the instant case, it appears that this has been slightly delayed.

3. According to the applicant, her transfer is purely with a view to accommodate the 5th respondent at Kannur.

4. It is seen from the guidelines 16.2 that the teachers identified for displacement with a view to accommodate another teacher coming under PCGR category should normally be given a counseling and perhaps their choice of station is also asked for. In so far as the applicant is concerned, such a concession was not made available to her. It is stated by the counsel for the applicant that a vacancy of TGT(Hindi) is available at Kozhikode and in case her transfer out of Kannur is inevitable she may be adjusted against the existing vacancy at Kozhikode. Counsel for applicant submitted that strictly speaking the 5th respondent does not come under the priority for Kannur and one Shri Velayudhan is stated to have the priority vide Annexur A-4. It is felt appropriate that the administration should first deal with the matter before the matter comes here. As such, let this O.A. be treated as a representation and the same be decided by the appropriate authority and a final decision be taken. While considering the case, the respondents may also consider the submission made by the counsel that in case the transfer is inevitable the applicant may be transferred to Kozhikode. Till such time the case is considered by the administration, the respondents shall not dislodge the applicant from the present place of posting.

5. With the above directions the O.A. is disposed of. No costs.

(Copy be given to the parties today itself).

Dated the 25 th June, 2008.


Dr. K.B.S.RAJAN
JUDICIAL MEMBER