

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.350/03

Wednesday this the 8th day of September 2004

C O R A M :

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

S.Christopher,
S/o.D.Selvaraj,
TGT (English),
Kendriya Vidyalaya,
Pattom, Trivandrum - 4.

Applicant

(By Advocate Mr.P.V.Mohanan)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Officer, IIT Campus P.O.,
Chennai - 36.
3. The Education Officer,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
4. Celin Abraham,
TGT (English),
Kendriya Vidyalaya, Pallipuram,
Trivandrum.

Respondents

(By Advocate M/s.Iyer & Iyer [R1-3] & Mrs.Sumathi Dandapani [R4])

This application having been heard on 8th September 2004
the Tribunal on the same day delivered the following :

O R D E R

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

The applicant Trained Graduate Teacher English, Kendriya Vidyalaya, Pattom, Trivandrum has filed this application seeking to set aside Annexure A-1 order to the extent of his transfer from Kendriya Vidyalaya, Pattom, Trivandrum to Kendriya Vidyalaya, Ramagundam No.2 (NTPC). The applicant has sought the following reliefs :

1. to call for the records leading to Annexure A-1 and set aside the same in so far as it transfers the applicant from Kendriya Vidyalaya, Pattom, Trivandrum to Kendriya Vidyalaya, Ramagundam No.2 (NTPC).
2. to direct the respondents to retain the applicant as Trained Graduate Teacher (English), Kendriya Vidyalaya, Pattom, Trivandrum (Code 400) or Kendriya Vidyalaya, Pallipuram.
3. any other appropriate order or direction as this Hon'ble Tribunal may deem fit in the interest of justice.

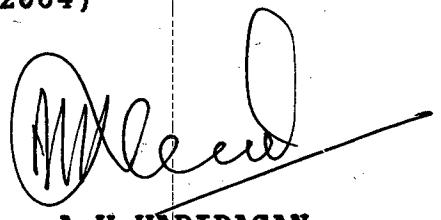
2. Since the 4th respondent in this case is presently posted at Pallipuram the applicant has impleaded the 4th respondent also.

3. The respondents have filed a reply statement. When the matter came up for hearing before the Bench today Shri.P.V.Mohanan learned counsel for the applicant stated that a new set of guideline has been formulated and published with effect from 7.7.2004, that according to sub-paragraph 6(D) and 7(d) of the above said guideline the applicant is not liable to be displaced from Kendriya Vidyalaya, Pattom and that the application may be disposed of permitting the applicant to make a detailed representation to the 2nd respondent referring the above said two sub-paragraphs in the guideline and directing the 2nd respondent that the representation so made shall be considered and disposed of and that till such date an order on the representation is received the applicant should not be relieved from the present place of posting. The proposal is acceptable to the learned counsel for the official respondents who agree that the O.A. may be disposed of with such a direction.

4. In the light of the above submission made by the learned counsel on either side the application is disposed of permitting the applicant to make a detailed representation to the 2nd

respondent claiming the benefits of sub-paragraphs 6(D) and 7(d) of the guideline dated 7.7.2004 within a month from today and directing the respondents that if such a representation is received the same shall be considered in the light of the guideline, rules and instructions on the subject and to give the applicant an appropriate reply within a period of two months from the date of receipt of the representation and also not to relieve the applicant from the present place of posting till an order on the representation is served on the applicant. No order as to costs.

(Dated the 8th day of September 2004)



A.V. HARIDASAN
VICE CHAIRMAN

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