

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.357/06

Thursday this the 30th day of November 2006

C O R A M :

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

K.Jayamohan,
S/o.K.Krishnan Nair,
Trained Graduate Teacher/Maths/
Kendriya Vidyalaya, Pangode, Trivandrum.
Residing at No.TC 3/1334(2), "Krishna Kripa",
Lakshmi Nagar, Pattom P.O., Trivandrum.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan, No.18,
Institutional Area, Shaheed Jeet Singh Marg,
New Delhi – 110 016.
2. Assistant Commissioner
(Administration & Finance),
Kendriya Vidyalaya Sangathan, No.18,
Institutional Area, Shaheed Jeet Singh Marg,
New Delhi – 110 016.
3. The Education Officer,
Kendriya Vidyalaya Sangathan, No.18,
Institutional Area, Shaheed Jeet Singh Marg,
New Delhi – 110 016.
4. Principal,
Kendriya Vidyalaya, Pangode,
Trivandrum District.
5. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Chennai Region,
IIT Campus, Chennai – 600 036.

...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 30th November 2006 the
Tribunal on the same day delivered the following :-

.2.

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant while working at Kendriya Vidyalaya, Pattom as a Primary Teacher was promoted as TGT and posted to Manmad by an order dated 7.3.2006. This order was modified by order dated 26/27.4.2006 (Annexure A-6) posting him to Kendriya Vidyalaya, Pangode. Since he was not permitted to join at the new place of posting, namely, Pangode, he has approached this Tribunal by filing O.A.300/06 and by interim order dated 9.5.2006 he was directed to be taken on rolls. He was deemed to have joined on 1.5.2006. The respondents, in the meanwhile, again issued Annexure A-12 order posting the applicant to Kendriya Vidyalaya, Gillnagar, Chennai, in re-modification of their earlier order, against which the applicant has filed this O.A. There was an interim order to keep in abeyance Annexure A-12 order and maintenance of status quo.

2. The respondents have filed reply statement stating that they had come to know about the interim order passed by the Madras Bench of the C.A.T in O.A.274/06 filed by one Ms.EK Sreela only after issuing the transfer modification order. Since the above O.A was pending with reference to the vacancy in K.V.Pangode, with bonafide intention, they re-modified the place of the applicant to K.V.Gillnagar, Chennai where there is a vacancy and the school needs a TGT Maths teacher.

3. The applicant has filed a rejoinder stating that he was not a party to the O.A pending before the Madras Bench and that he had already joined the post and it is discriminatory to transfer him to another place stating that it was 'on request'.

.3.

4. An additional reply statement has been filed by the respondents stating that the O.A pending before the Madras Bench has been decided in favour of Ms.EK Sreela observing "The posting of Mr.Jayamohanam or anybody else provisionally cannot stand in the way of the consideration of the applicant's claim." Therefore, the respondents are faced with a real exigency and the applicant cannot be continued at Pangode and that he has been given consideration by posting him to a nearer place than the place of original posting, namely, Manmad.

5. Today, when the matter came up for hearing, counsel for the applicant has brought to my notice the transfer order issued by Kendriya Vidyalaya Sangathan, Regional Office dated 10.11.2006 posting Ms.EK Sreela, the applicant before the Madras Bench, to Pangode in the vacancy of one Shri.P.K.Gopinadhan who has been in turn transferred to Pallipuram. Counsel has, therefore, submitted that Ms.EK Sreela has been accommodated at Pangode without disturbing the applicant and if this position is continued, the applicant has no further grievance. Since Ms.EK Sreela has been accommodated in another vacancy, as seen from the order now produced before me, taking this order on record, the respondents are directed to continue the applicant at the same post at K.V.,Pangode. The O.A is disposed of accordingly. No order as to costs.

(Dated the 30th day of November 2006)



SATHI NAIR
VICE CHAIRMAN

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