

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.412/05

Thursday this the 11th day of August 2005

C O R A M :

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

P.T.George,
S/o.P.S.Thomas,
P.G.T.(English),
Kendriya Vidyalaya II, Calicut.
Residing at Puthenpurackal,
Eripuram P.O., Payyangadi, Kannur District.Applicant

(By Advocate Mr.K.P.Dandapani)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet Singh Marg,
New Delhi – 110 016.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Chennai Region, IIT Campus, Chennai.
3. The Principal
Kendriya Vidyalaya II,
Calicut (PO) Govindapuram.
4. The Principal,
Kendriya Vidyalaya,
Borjhar, Guwahati (Assam).
5. Devakaran M,
Kendriya Vidyalaya No.1
Kumjban, Agartala, Tripura.Respondents

(By Advocate M/s.Iyer & Iyer [R1-4] & Mr.P.J.Mathew [R5])

This application having been heard on 11th August 2005 the Tribunal
on the same day delivered the following :

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

This OA has been filed challenging the order of transfer of the

applicant from KV No.2, Calicut to KV, Guhawati. An interim order was granted permitting the applicant to continue at KV No.2, Calicut. During the pendency of the OA a clear vacancy has occurred at KV No.3 Port Trust, Cochin and the applicant has filed MA 666/05 seeking a direction to accommodate him there instead of transferring him to a far off place in Assam since he has already completed a tenure of three years in the Northern Eastern Region and his wife is working at Kannur in State Government service.

2. Respondents have filed a statement stating that transfer is purely on administrative exigency and teachers in KV are liable to be transferred under the guidelines to accommodate another teacher who has completed his/her tenure in a declared hard station. In this case 5th respondent has made a request since he had completed five years in hard station at North East. There is no legal infirmity in the orders.

3. The 5th respondent has also filed a reply statement stating that he has been relieved from Agartala with effect from 4.7.2005 and he had reported for duty on 11.7.2005 before the Principal, KV No.2, Calicut but was not permitted to join duty pending disposal of the OA. He requested that he may be allowed to join and the applicant can be retained at any of the vacancies as pointed out by him before the Tribunal.

4. When the matter came up for hearing today I have heard Mr.K.P. Dandapani, counsel for the applicant and M/s.Iyer & Iyer, counsel for the respondents 1-4 and Mr.P.J.Mathew, counsel for the 5th respondent. This application has also been filed challenging Rule 10(2) provisions. Rule 10 (2) of the guidelines of the KVS has already been considered in OA

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426/05 and it has been held that there are certain lacunae in the guidelines which are causing unnecessary hardship and frequent changes of the teaching staff which would also ultimately have an impact on quality of education imparted in the schools. The respondents have been directed to have a relook at these guidelines and in the light of the above we have permitted those who are disturbed under these guidelines to continue and to accommodate the transferee who had already relieved in suitable posts even by creating supernumerary posts. I am of the view that this application also can be dealt with on the same lines to avoid any discrimination.

5. I hereby direct the respondents to accommodate the applicant in the clear vacancy which is confirmed to be existed at KV No.3, Port Trust, Cochin and 5th respondent consequently be permitted to join at KV No.2, Calicut. OA is disposed of accordingly. No order as to costs.

(Dated the 11th day of August 2005)

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SATHI NAIR
VICE CHAIRMAN

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