

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.412/07

Wednesday this the 27th day of February 2008

C O R A M :

HON'BLE Mrs.SATHI NAIR, VICE CHAIRMAN

Sujatha M,
W/o.Mohanan N.M.,
Primary Teacher,
Kendriya Vidyalaya,
Palappuram, Ottappalam.

...Applicant

(By Advocate Mr.P.Ramakrishnan)

Versus

1. Kendriya Vidyalaya Sangathan,
18 Institutional Area, Shaheed Jeet Singh Marg,
New Delhi – 110 016, represented by the Commissioner.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, IIT Campus, Chennai – 600 036.
3. The Grievance Cell,
Kendriya Vidyalaya Sangathan,
Regional Office, IIT Campus, Chennai – 600 036.
4. Lizy Tomy,
Primary Teacher,
Kendriya Vidyalaya,
Puranattukara, Thrissur.

...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil [R1-3]
& Mr.K.A.Sreejith [R4])

This application having been heard on 27th February 2008 the Tribunal on the same day delivered the following :-

ORDER


HON'BLE Mrs.SATHI NAIR, VICE CHAIRMAN

The applicant is working as a Primary Teacher at Kendriya Vidyalaya, Ottappalam. She had been transferred to Kendriya Vidyalaya, Thrissur in the year 1990 and while working there she had been transferred to Kendriya Vidyalaya, Port Blair as per order dated 2.4.2002.

.2.

The applicant challenged the said order in O.A.208/02. However, the Tribunal dismissed the said O.A which was taken in appeal before the Hon'ble High Court which directed the reconsideration of the transfer. Meanwhile, the number of divisions in Classes I to IX at Kendriya Vidyalaya Thrissur was reduced . The applicant was rendered surplus and therefore redeployed to Kendriya Vidyalaya, Coimbatore being the nearest station. On further request she was transferred on mutual basis to Kendriya Vidyalaya, Ottappalam on June, 2005 and is being continuing there since then. The applicant is aggrieved that she has not been provided a posting at Thrissur and that her repeated requests have not rendered any result. The respondents had published the priority list for transfer according to which the applicant is at Serial No.6. When the matter came up for hearing today, counsel for the applicant contended that a further vacancy has arisen at Kendriya Vidyalaya, Thrissur and that the respondents be directed to consider her for that vacancy.

2. In the reply statement respondents have submitted that the applicant has been trying to get a transfer to Kendriya Vidyalaya, Thrissur and in the year 2003-04 many teachers had to be redeployed on closure of the sections in Kendriya Vidyalaya, Thrissur and the applicant was adjusted in the nearest vacancy at Kendriya Vidyalaya, Coimbatore. The applicant was later also adjusted on her request on mutual transfer basis at Kendriya Vidyalaya, Ottappalam. The request for posting to Thrissur in 2006 could not be considered as her position in priority list is at Serial No.6 and there was only one vacancy in which the 4th respondent, who is at priority No.1 position, was posted.



3. I have gone through the records and heard the counsel. I do not think that in these circumstances the request of the applicant has any merit. The respondents have clearly fixed the priority of the applicant according to the transfer guidelines and issued a priority list at Annexure A-4 which is also made public by putting it on the website. The applicant is at priority No.6 and she will have to await her turn to the subsequent vacancies which may arise at Kendriya Vidyalaya, Thrissur. The interest of service should always get precedence over individual preference. In any case her preference will be considered according to turn. The applicant is at liberty to make a representation to the authorities in this regard. There is no case for interference by this Court. Therefore, the O.A is dismissed. No order as to costs.

(Dated this the 27th day of February 2008)

Sathi Nair

**SATHI NAIR
VICE CHAIRMAN**

asp