CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
Original Application No.455/2005
This the day of 13th September 2005

HON'BLE SHRI SHANKER RAJU, MEMBER (J)
HON'BLE SHRI S.P. ARYA, MEMBER (A)

Ms. Monika Srivastava, A/A 25 years, Daughter of Sri Avinash Srivastava, R/o Nabiullah Road, Lucknow, Presently working as PRT, Kendriya Vidyalaya No. –1, Chkeri, Kanpur.

... Applicant.

By Advocate: Shri. V.K. Srivastrava.

Versus.

1. **Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16, through its Chairman.**
2. **Commissioner, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16.**
3. **Joint Commissioner (Admn.), 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16.**
4. **Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Lucknow.**
7. **Principal, Kendriya Vidyalaya No.1, Chakeri, Kanpur.**
8. **Sri Rajendra Kumar, PRT, Kendriya Vidyalaya No.1, Chakeri, Kanpur.**

... Respondents.

By Advocate: Shri M.G. Misra.

Connected With
Original Application No.456/2005

Mrs. Uma Paul, a/a 45 Years, W/o Sri S.K. Paul, R.o Shuklaganj, Unnao, Presently working as PRT, Kendriya Vidyalaya No.-1, Armapore, Kanpur.

... Applicant.

By Advocate: Shri. V.K. Srivastrava.

Versus.

1. **Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16, through its Chairman.**
2. **Commissioner, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16.**
3. **Joint Commissioner (Admn.), 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16.**
4. **Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Lucknow.**
5. **Principal, Kendriya Vidyalaya No.1, Armapore, Kanpur.**
6. **Sri Balram Shankhwar, PRT, Kendriya Vidyalaya No.1, Armepore, Kanpur.**

... Respondents.

By Advocate: Shri M.G. Misra.

Connected With
Original Application No.457/2005

HON'BLE SHRI SHANKER RAJU, MEMBER (J)
HON'BLE SHRI S.P. ARYA, MEMBER (A)

Mrs. Malini Kapoor, A/A 30 years, W/o Sri Sandeep Kapoor, R/o Viram Khand-4, Gomti Nagar, Lucknow, presently working as PRT, Kendriya Vidyalaya No.-1, Armapore, Kanpur.

... Applicant.

By Advocate: Shri. V.K. Srivastrava.

Versus.

1. **Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16, through its Chairman.**
2. **Commissioner, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16.**
3. **Joint Commissioner (Admn.), 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16.**
4. **Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Lucknow.**
5. **Principal, Kendriya Vidyalaya No.1, Armapore, Kanpur.**
6. **Sri Shiv Kumar Nigam, PRT, Kendriya Vidyalaya No.1, Armapore, Kanpur.**

... Respondents.

By Advocate: Shri. M.G. Misra.

ORDER (Oral)
BY HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. **Heard the Counsel.**

2. **As the issue involved in all these cases is based on similar facts and on the identical question of law, they are being disposed of by a common order.**

3. **After hearing both the counsel, it is no more res-integra that the challenge is to policy guidelines issued for transfer by the Scheme of 19.1.05 which was subject matter of several O.As which were disposed of by us by a common order leading case being O.A. No. 282/05 delivered on 8.9.05 with the following observations:**

> "53. In the above view of the matter, we are of the considered view that the policy of transfer as promulgated by the KVS requires reconsideration, as certain provisions are violative of Articles 14 and 16 of the Constitution of India and some of them are unworkable, causing prejudice to the teachers. We, accordingly, partly allow these OAs with the following directions:

i) Respondents are directed to re-examine the policy to reconsider it in the light of the observations made above.
ii) The orders of transfer passed in each case shall not be given effect to till the matter is reconsidered by a decision of the KVS in writing with reasons.
iii) Any transfer order already effected and relieving ordered, in those cases applicants would be restored back to their status quo ante till that period they would be disbursed for work rendered salary and pay and allowances.
iv) On reconsideration by a reasoned and speaking order, which shall be passed within a period of two months from the date of receipt of a copy of this order, respondents shall either modify the transfer orders or pass fresh orders of transfer. No costs.

4. The only difference in these cases with those is that the representations made in these O.As has been disposed of but the fact remains that the challenge is to policy guidelines.

5. Having regard to Constitution Bench in K.C. Sharma vs. Union of India (1998(1) SLJ, 54, as the applicants are identical and they cannot be meted out a differential treatment and extension of benefit of order passed by this Court would mutatis mutandis apply to them.

6. In the result, these O.As are partly allowed. The impugned orders are set aside with the direction to the respondents to re-examine the policy and to re-consider it in the light of the observations made in O.A. 282/05. The order of transfer even if it is given effect to, status quo ante shall be maintained by restoring the applicants to the place from where they were transferred and would continue to be disbursed salary, pay and allowances subject to their working.

7. On a reconsideration the respondents would pass a reasoned and speaking order within a period of two months from the date of communication of this order. The respondents shall either pass modified transfer order or pass fresh orders of transfer. No costs. copy kept in each file.

Member (J)

s..a