

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

O.A. No. 172/06

Lucknow this the 12th day of April. 2006

Hon. Shri Justice Khem Karan, Vice Chairman.

Robin Sen aged about 55 years son of late Sri Bhim Sen R/o Mala Ram Colony,
Chinaur Shahjahanpur.

Applicant

By Advocate Shri A. Moin.

Vs.

1. Kendriya Vidyalaya Sangathan, 18 Institutional Area Shaheedjeet Singh Marg, New Delhi through Commissioner.
2. Asstt. Commissioner, Kendriya Vidyalaya Sangathan (Dehradun Region), Salawala, Hathibar Kala, Dehradun.
3. Principal, Kendriya Vidyalaya, II, OCF Shahjahanpur
4. N.K. Gupta TGT (Bio) Kendriya Vidyalaya I Shahjahanpur.
5. Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Aliganj, Lucknow.

Respondents.

By Advocate Shri Rajendra Singh.

Order (Oral)

1. Heard Shri A. Moin, learned counsel for the applicant and Shri Rajendra Singh, learned counsel appearing for the respondents on this O.A. and also perused the contents of the application and the papers annexed thereto.
2. Impugned in this application is the transfer order dated 27.3.2006 (Annexure A-1), whereby the applicant Shri Robin Sen has been shifted from Shahjahanpur to District Pithogharh. The main ground taken in the application is that in view of para 7 of the transfer guidelines, the matter relating to the transfer on account of staff being surplus should have been first placed before a particular committee and only thereafter, the transfer should have been effected, ^{but} ~~But~~ in the present case that provision has been violated. It is also stated that the mother of the applicant is seriously ailing. Shri Moin states that though a representation has been given to the Assistant Commissioner for reconsidering the matter, but to the knowledge of the applicant, no decision has been taken as yet. Shri Moin states that the petition may be finally disposed of with the provision that



in case the applicant gives a fresh representation within a period of one week from today, the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi, shall consider and pass a suitable order within the time to be fixed by the Tribunal. The learned counsel for the respondents says, the transfer order was passed in accordance with guidelines.

3. The Tribunal is of the view that keeping in view the facts and circumstances of the case, there appears to be no point in keeping this petition pending and calling for reply of the respondents. The prayer of Shri Moin is innocuous in nature and there appears to be no difficulty in accepting this prayer. The petition is accordingly finally disposed of with the direction that if the applicant gives a fresh representation within a period of one week from today to respondent No. 1, namely the Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheedjeet Singh Marg, New Delhi, the Commissioner shall pass suitable orders thereon in the light of the relevant guidelines or rules within a period of 10 days from the date such representation is given to him. Copy of this order be given to learned counsel for the parties.

(KHEM KARAN)

Vice Chairman

s.a.