

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 419 of 2012

This the 14th day of March, 2014

Hon'ble Ms. Jayati Chandra, Member-A

Smt. Neelam Mehrotra, aged about 56 years, W/o Sri Anil Mehrotra, R/o House No. 4/163 Vipul Khand, Gomti Nagar, Lucknow (under transfer while working as Trained Graduate Teacher (WET) from Kendriya Vidyalaya-2nd Shift, Gomti Nagar, Lucknow to Kendriya Vidyalaya, Fatehgarh

.....Applicant

By Advocate : Sri Prashant Kumar Singh

Versus.

1. Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi through its Commissioner.
2. Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
3. Assistant Commissioner (L&C), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
4. Education Officer, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
5. Deputy Commissioner, Kendriya Vidyalaya Sangathan, Lucknow Region, Sector J, Aliganj, Lucknow.
6. Principal Kendriya Vidyalaya, Fatehgarh.
7. Manoj Kumar Srivastava, adult, S/o not known to the applicant, Trained Graduate Teacher, presently working at Kendriya Vidyalata, 2nd Shift, Gomti Nagar, Lucknow.

.....Respondents.

By Advocate : Sri Surendran P.

O R D E R

The applicant has filed this O.A. under Section 19 of Administrative Tribunals Act, 1985 seeking following relief(s):-

“(a) issuing/passing of an order or direction setting aside the impugned transfer order/letter dated 3.6.2011, issued by the Education Officer, Kendriya Vidyalaya Sangathan, New Delhi with the alleged approval of the competent authority, in so far it relates to the applicant, the impugned relieving order dated 10.6.2011 issued by the Principal, Kendriya Vidyalaya, Gomti Nagar, Lucknow with effect from 10.6.2011 (afternoon) and also the impugned order dated 25.7.2012 passed by the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi, rejecting the representation of the applicant (as contained in Annexure nos. A-1, A-2 and A-3 to the

original Application) after summoning the originals from the respondents.

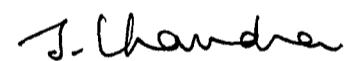
- (b) *issuing/passing of an order or direction to the respondents to allow the applicant to resume duty at Kendriya Vidyalaya, 2nd Shift Gomti Nagar, Lucknow and to pay her the salary regularly every month.*
- (c) *issuing/passing of any order or direction as this Hon'ble Tribunal considers appropriate in the circumstances of the case.*
- (d) *allowing the original application with cost in favour of the applicant..”*

2. The brief facts of the case are that the applicant initially filed Original Application No.252 of 2011 challenging the transfer order dated 3.6.2011 and relieving order dated 10.6.2011. While entertaining the aforesaid Original Application, this Tribunal by means of an order dated 15.6.2011 had protected the interest of the applicant from not taking any coercive action against the applicant. Ultimately, the aforesaid Original Application came to be dismissed vide judgment and order dated 29.9.2011. The applicant, thereafter, filed Writ petition No. 1798 (S/B) of 2011 challenging the judgment and order dated 29.9.2011. The Hon'ble High Court by means of an order dated 30.1.2012 has provided that the department shall not take any further coercive steps in the meanwhile. The Writ Petition, referred to above, was finally disposed of vide judgment and order dated 25.5.2012 directing the Opposite party no.1 to look into the matter and consider the petitioner's case with regard to her transfer from Lucknow to Fatehgarh strictly in terms of clause VI of the transfer guidelines and pass a reasoned and speaking order expeditiously say within a period of six weeks. Since the judgment and order of Hon'ble High Court had not been complied with within the stipulated period of time, the applicant invoked contempt jurisdiction of Hon'ble High Court by filing Contempt Petition No. 2164 of 2012. In compliance of judgment and order of Hon'ble High Court, the Opposite parties have passed an order dated 25.7.2012, which was said to be not in accordance with law. The Contempt Petition, therefore, dismissed vide judgment and order dated 29.8.2012 holding that substantial compliance of the order has been made by giving liberty to the petitioner to raise his grievance before the appropriate forum within two months. The applicant, thereafter, filed the instant Original Application challenging the order dated 25.7.2012. The Tribunal by means of an order dated 22.10.2012

observed that it stands to reason to provisionally permit the applicant to join at Fatehgarh in pursuance of her transfer order dated 3.6.2011 within a fortnight. Learned counsel for the applicant stated that the applicant, in compliance of order dated 22.10.2012, has joined at the transferred place i.e. Fatehgarh at the 24th October, 2012.

3. Learned counsel for the applicant made a statement at the bar by confining his prayer to the effect that the intervening period i.e. 10.6.2011 to 24.10.2012 of the applicant may be regularized as per rules, to which the learned counsel for the respondents has no objection.

4. In view of the aforementioned facts, the O.A. stands disposed of with a direction to the respondent-authorities to decide the intervening period of the applicant i.e. from 10.6.2011 to 24.10.2012 in accordance with rules and regulations on the subject within a period of two months from the date of receipt of a certified copy of this order. No costs.



(Ms. Jayati Chandra)
Member-A

Girish/-