

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW.

ORIGINAL APPLICATION NO: 489/2003.

this, the 29th day of October 2003.

HON. MR.S.P. ARYA MEMBER(A)

Smt.Sushma Misra, wife of Sri Ravindra Nath Mishra, resident of 269/75, Birhana, Lucknow, Posted at Post Graduate Teacher, at Kendriya Vidyalaya Lucknow Cantt, Dilkusha, Lucknow cantt.

....Applicant.

BY ADVOCATE SHRI S.K. DIXIT.

VERSUS

1. Union of India through Ministry of Human resources, Development, New Delhi.
2. Commissioner, The Kendriya Vidyalaya sangathan Headquarters, New Delhi @through its Commissioner.
3. Additional Commissioner, Kendriya Vidyalaya Sangathan New Delhi.
4. Assistt. Commissioner, Kendriya Vidyalaya Sangathan ~~New Delhi~~ Lucknow region, LUCKNOW
5. Principal, Kendriya Vidyalaya Lucknow Cantt, Dilkush, Lucknow Cantt.

....Respondents.

BY ADVOCATE SHRI G.S.SIKARWAR/M.G. MISRA.

ORDERK (ORAL)

As per Hon'ble Shri S.P.Arya.

Upon hearing the counsel for both the parties, it appears that the applicant was transferred from kendriya Vidyalaya Sangathan (KVS)

Headquarters letter dated 03.4.2003 from Lucknow Cantt to Kendriya Vidyalaya Masimpur in the state of Assam. She was also relieved in the A/N of 8.4.2003 by the Principal of Kendriya Vidyalaya Lucknow cantt which is annexed as Annexure No.1 to the O.A. A show cause notice dated 23rd September 2003, from respondent No.4 was issued to the applicant to the effect of voluntary abandonment of service by the applicant and provisional loss of her lien on the post of PGT(Hindi). This was communicated by incharge principal vide letter dated 25.9.2003. The applicant had spinal fracture due to which she developed loco motor permanent disability to the extent of 60%. She claims that she should have not been relieved in compliance with order of the Commissioner vide Annexure No.3 as she was physically handicapped as per Government of India Rules. She made a representation through proper channel on 17.3.2003 for her adjustment in nearby school. On being transferred, she again made a representation for reconsideration on 9.4.2003, which is still pending. Further representations on 14.5.2003, 19.6.2003, 5.7.2003, 1.8.2003, 3.9.2003, 12.9.2003 and 4.10.2003 were made, but these did not evoke any response. The order of the Commissioner KVS for not relieving the physically handicapped has not been controverted and the representations are still pending. The transfer orders therefore, deserves to be kept in abeyance till the representations made by the applicant are decided. I find that ends of justice would be met if, the show cause notice issued is quashed and respondent No. 4 is directed to decide the representation with a speaking order within a period of four weeks and communicate the same to the applicant. Order dated 8.4.2003 would be kept in abeyance till such decision on the representation is taken.

2. Accordingly, the Original Application is disposed of at the admission stage itself. No order as to costs.

dky 31/12
MEMBER (A)