

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 402/2005

This the 24TH day of August, 2005

HON'BLE SHRI S.P. ARYA, MEMBER (A)  
HON'BLE SHRI M.L. SAHNI, MEMBER (J)

Smt. Madhu Lata aged about 42 years wife of Sri Virendra Nath Sinha, resident of K-367, Ashiyana Colony, Lucknow.

Applicant

By Advocate: Shri R.C. Saxena.

**Versus**

1. Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
2. Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
3. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Sector K, Aliganj, Lucknow.
4. Principal, Kendriya Vidyalaya, A.M.C., Lucknow.

Respondents

By Advocate: Shri S.P. Singh for Sri M.G. Mishra.

**ORDER (ORAL)**

**BY HON'BLE SHRI S.P. ARYA, MEMBER (A)**

Applicant by this O.A. seeks for quashing the transfer order dated 20.7.2005 (Annexure No.1) and also to quash para 18 (b) of the new transfer guidelines made effective from 19.1.2005 (Annexure No.2) on the grounds that the new transfer guidelines are arbitrary as these confer unfettered powers <sup>upon</sup> to the Commissioner/Chairman, Kendriya Vidyalaya Sangathan (KVS) and transfer of the applicant is the result of pick and choose policy ignoring the juniors and seniors in the matter of transfer.

2. Applicant has been transferred from K.V., AMC, Lucknow to K.V. No.4, Gwalior in public interest under para 18 (b) of the transfer guidelines of 2005. It is stated by the counsel for respondents that applicant has already been relieved. The applicant has moved a representation to the respondent No. 2 on 25.7.2005 for modification of transfer (Annexure No. 6). Reminders thereto have also been given on

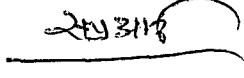
29. 7.2005 and 4.8.2005. Representation has yet to be responded to by the respondents.

3. Upon hearing the counsel for the parties and perusal of the records of file, we are of the considered opinion that it would be expedient in the interest of justice that the representation of the applicant should be decided expeditiously and till the decision of the representation, the applicant should not be compelled to join at the new place of posting on transfer.

4. Accordingly respondent No.2 is directed to decide the representation of the applicant dated 25.7.2005 (Annexure No. 6 to the O.A.) as expeditiously as possible and not to compel the applicant to join at the new place of posting till the decision of the representation is communicated to the applicant. Applicant is directed to make a copy of the representation available to the respondent No.4 immediately so that it can be examined and decided expeditiously by the respondent No.4.

5. With the above directions, O.A. is disposed of with no order as to costs.

  
(M.L.Sahni)  
Member (J)  
HLS/-

  
(S.P. Arya)  
Member (A)