

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

O.A.No.493/2005
This the day of 05th October 2005

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

Vandana Saxena, aged about 42 years, wife of Sri Vipin Kumar Saxena, R/o 3/425, Viram Khand, Gomti Nagar, Lucknow.

...Applicant.

By Advocate: Shri R.C. Saxena.

Versus.

1. Kendriya Vidyalaya Sangathan, 18, Industrial Area, Shaheedjilt Singh Marg, New Delhi.
2. Commissioner, K.V.S. 18, Industrial Area, Shaheedjilt Singh Marg, New Delhi.
3. Assistant Commissioner, K.V.S. Sector-'J' Aliganj, Lucknow.
4. Principal KV. Gomti Nagar, Lucknow.

...Respondents.

By Advocate: Shri S.P. Singh for Shri M.G. Misra.

ORDER (Oral)

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

1. The applicant, on transfer under Para 18 (b) of the transfer guidelines of K.V.S., from Kendriya Vidyalaya. Gomti Nagar to Kendriya Vidyalaya, OCF, Shahajahanpur has challenged the order of transfer dated 22.9.2005 and the reliving order dated 26.9.2005 on the ground that Para-10 (2) and 18 (b) of the new Transfer Guidelines of 2005 are unjust, unfair and arbitrary and violative of Article-14 of the Constitution.

2. We have heard the learned counsel for the parties and have considered the decision of this Tribunal made in similar matter in O.A.No.282/2005 and other connected matters decided on 08.09.2005 whereby, O.As. were disposed of by passing the following orders:-

"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."

3. Since the facts and ground of challenge to the transfer order impugned are similar to those as stated in the decided cases, therefore, similar directions are given by disposing of this O.A. at the admission stage. No prejudice is likely to be caused to either of the parties by disposing of the O.A. in terms of earlier order dated 08.09.2005.

4. Accordingly, the impugned order is set-aside with the direction to the respondents to re-examine the policy as required by the order dated 08.09.2005 passed in O.A.No.282/2005 (Supra). It is further ~~stated~~ ^{provided} that status-quo ante shall be maintained by restoring the applicant to the

original place of posting and she would be entitled to the payment of ²
~~post~~ salary and allowances for their working on the restored post. It is also directed that the respondents shall pass a reasoned and speaking order in the case within 2 months of this order in accordance with law.

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

M. L. Sahni
(M.L. SAHNI)
MEMBER (J)

S. P. Arya
(S.P. ARYA)
MEMBER (A)

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