

Central Administrative Tribunal, Lucknow Bench, Lucknow
Original Application No. 205 of 2007

This the 29th day of May, 2007

HON'BLE SHRI JUSTICE KHEM KARAN, VICE CHAIRMAN

Jagdish Swaroop aged about 54 years son of Shri Shambhu Saran resident of 235 /6, EWS Nim Saray, Allahabad at present posted as TCT (Trained Graduate Teacher), Social Studies, Kendriya Vidyalaya , Rai bareli..

...Applicant

By Advocate: Shri M.K.Srivastava

Versus

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18, Industrial Area, Shaheed Jeet Singh Marg, New Delhi.
2. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Lucknow.
3. The Principal Kendriya Vidyalaya , Raebareli,

..Respondents

By Advocate:- Sri Rajendra Singh

ORDER (ORAL)

BY HON'BLE JUSTICE KHEM KARAN, V.C.

Heard Sri M.K.Srivastava appearing for the applicant and Sri Rajendra Singh for respondents.

2. The applicant has prayed that the respondents be commanded to consider his case for transfer from the present post of TGT (Social study) Kendriya Vidyalaya, Raebareilly to New Cant Branch, Kendriya Vidyalaya , Allahabad. Keeping in view the spirit of order dated 7.7.2006 of this Tribunal in O.A. No. 86 of 2006.

3. It appears that the applicant filed one O.A. No.86 of 2006 praying that the respondent No.1 be asked to consider his transfer from place to the said place on the ground that his wife



(2)

was a State Govt, employee and was physically handicapped. This O.A. was finally disposed of vide order dated 7.7.2006. The Tribunal asked the respondents to consider the request of the applicant in the year 2006-2007 sympathetically, if any vacancy was available. In compliance of this Tribunal's order, the respondent passed order dated 2.1.2007 which is annexure No. 1 to the present O.A. The record reveals that the applicant had also moved application under section 17 of the AT Act, 1985 and this Tribunal disposed off the contempt matter vide order dated 12.4.2007 saying that the applicant had himself referred to the order dated 2.1.2007 so there were no good grounds for issuing the notice⁴ to the respondents. It was observed that if the applicant was aggrieved of order dated 2.1.2007, he could challenge the same by filing fresh O.A. So the resent O.A. has been filed.

4. In substance, the contention of Sri Srivastava is that the respondents have not considered the matter of the applicant's transfer ~~but~~ ^{and} objectively ^{and} have intentionally and designedly rejected his request. According to him, there are vacancies at the place, where the applicant wants his transfer.

5. It transpires from the order dated 2.1.2007 that the respondents are agreeable to consider his request in the academic session 2007-2008, as per norms. I think, there is no point in entertaining this O.A., when the respondents themselves say that they will consider the request of the applicant in



(3)

academic session of 2007-2008. So, the O.A. is disposed of with the observation that respondents will consider the request of the applicant for transfer in the present academic session 2007-2008.

No order as to costs

Dr. A. S.
29.5.07
Vice Chairman

HLS/-