

Central Administrative Tribunal, Lucknow Bench, Lucknow
Original Application NO. 269 of 2007
This the 28th day of June, 2007

Bishum Dayal aged about 45 years son of Shri Thakuri, resident of Village Kundra Khurd, Post Office, Malihbad, District Lucknow, presently posted as Principal, Kendriya Vidyalaya, Faizabad Cantt.

...Applicant

By Advocate: Sri R.C.Singh

Versus

1. Kendriya Vidyalaya Sangthan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi, through the Joint Commissioner, (Administration) and ex-Officio, Secretary of the Sangathan.
2. Commissioner, Kendriya Vidyalaya Sangthan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi,
3. Deputy Commissioner, (Personnel) Kendriya Vidyalaya Sangathan, (Vigilance Section), New Delhi.
4. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Lucknow Region, Lucknow.


..Respondents

By Advocate : Sri S.P.Singh for Sri Rajendera Singh

Hon'ble Shri Justice Khem Karan, V.C.

Heard the parties counsel.

The applicant is challenging the transfer order dated 18.6.2007 by which he has been shifted from Faizabad Cantt. in U.P. to Jyotipuram in J&K. His case is that after having served for about 3 years in Kistbar in J&K, which is a hard area, he was transferred to Faizabad on his request. He says that he has hardly spent a period of 2 years at Faizabad and now is being again transferred to J&K, which is far from Faizabad and his native place. It is said that according to the guidelines regulating such transfers, the normal period for a Principal at a Station is 5 years but the applicant is being disturbed within a period of just 2 years. Shri R.C. Singh has said that the applicant has reasons to complain that he is being discriminated because, he comes from a scheduled caste community. The learned Counsel has argued that with a view to prevent the authorities from passing discriminatory orders of posting etc. that the Govt. of India issued orders dated 21.8.1981 (A-6) but in spite of all this, such instances of discrimination in posting, are still there. He says that the applicant has given a representation dated 24.6.2007 (A-8) and has also met the Commissioner, but he



has orally turned down the request. Shri Singh argues that there is little or no hope that the Commissioner will accept the request for cancellation of transfer.

The Tribunal is of the view that interference at present is not required and the Commissioner may be asked to consider the matter and pass speaking orders, in the light of averments made in O.A. on the representation of the applicant dated 24.6.2007 (A-8). It is expected that the Commissioner will consider the same keeping in view the spirit of Govt. order dated 21.8.89 (A-6).

So, this O.A. is finally disposed of with a direction that the applicant shall serve a copy of this order together with copy of this O.A., on respondent No. 2, within a period of 10 days from today and the respondent No. 2 will consider the representation dated 24.6.2007(A-8) and pass a speaking order thereon, in the light of observations made above, within a period of 15 days from the date of receipt of the same and till such orders are passed, not to give effect to the transfer order, in so far as the same relates to the applicant. No orders as to costs.

C. J. Singh
28.6.07

Vice Chairman

HLS/-