

**CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW**

**Original Application No.366/2010  
This the 28<sup>th</sup> Day of September 2011**

**Hon'ble Mr. Justice Alok Kumar Singh, Member (J)**

Smt. Sadhna Srivastava aged about 42 years, w/o Shri R.K. Srivastava resident of -LIG-12, Sabauli-II, Near Jain Temple, Dist Kanpur.

...Applicant.

**By Advocate: Sri Praveen Kumar.**

**Versus.**

1. Union of India through the Secretary, Ministry of Human Research and Development, New Delhi.
2. The Commissioner, Kendriya Vidyalaya Sangathan, 18, Shaheed Jeet Singh Morg, New Delhi.
3. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Sector-J, Alijganj, Lucknow.
4. The Principal, Kendriya Vidyalaya, IIT, Kanpur.
5. Smt. Manju Lata Pandey, c/p Shri R.K. Pandey, 56-N/2, Road Lal Bangla, Near Poonam Cinema, Kanpur.

.... Respondents.

**By Advocate: Sri Surendran P.**

**ORDER (Dictated in open Court)**

**By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)**

This O.A. has been filed for the following relief's:-

- "1. To quash the transfer order dated 17.06.2010, rejection order dated 20.08.2010 and order dated 18/21.05.2010 as contained in Annexure No.A-1, A-2 and A-3 to this OA with all consequential benefits.
2. To post the applicant as TGT (English) at KVS, IIT, Kanpur and pay her salary regularly.
3. To pay the salary for the period which, the applicant has been denied to work at KVS, IIT Kanpur.
4. Any other relief, which this Hon'ble Tribunal may deem fit, just and proper under the circumstances of the case, may also be passed.
5. Cost of the present case."

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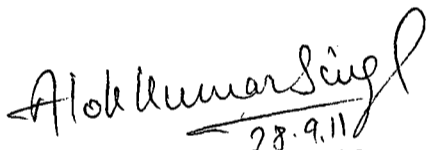
2. The applicant was transferred vide impugned order dated 17.06.2010 from K.V.S. IIT, Kanpur to K.V.S., Talbehat. Being a law abiding employee, she joined at Talbehat after about three months when she could not get any interim order from this Tribunal. She worked there for about one year. In the meantime, three vacancies accrued at Lucknow i.e. in Gomti Nagar, Aliganj and Cantt. Her husband is a resident of Kanpur on account of which she was suffering hardship at Talbehat. Besides this, the studies of her only son was being also adversely affected, who had obtained 94% marks in CBSE, in the year 2009. In this background, her husband moved an application for re-consideration of her transfer on any of the three newly created vacancies in the KVS indicating some of the aforesaid difficulties. This fact was brought to the notice of the Tribunal, and on the request of the applicant, it was directed that a fresh representation may be moved to Respondent No.2 and 3 indicating the aforesaid points and the same may be considered sympathetically within the stipulated period. This order was passed on 15.07.2011. In furtherance thereof representation was moved and the respondents were considerate enough to allow the representation. The applicant has now been posted at K.V.S. No.1, Amrapur, Kanpur.

3. Sri Surendran P, learned counsel for the respondents therefore submits that this O.A. has now become infructuous. But, the learned counsel for applicant says that vide relief no.8 (iii) a request has also been made in this O.A., for a direction to the respondents to pay the salary for the period during which the applicant has been

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denied to work at IIT, Kanpur. Concededly, no other claim/dispute is left for adjudication.

4. In view of the above, this O.A. is finally disposed of with a direction that the applicant may move on application/representation in respect of payment of salary for the period during which she was allegedly denied to work at the appropriate place and the respondents are directed to decide the same within a period of three months from the date the representation is moved. It is brought to the notice of this Tribunal that the relevant order dated 15.09.2011, by means of which the applicant has now been transferred to Kanpur shall take effect w.e.f. 01.10.2011. Be that as it may. The O.A. is disposed of finally as mentioned above. No order as to costs.

  
(Justice Alok Kumar Singh)  
Member (J)

Amit/-