

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 400/2011

This the 29th day of September, 2011

Hon'ble Sri Justice Alok Kumar Singh, Member (J)
Hon'ble Sri S.P.Singh, Member (A)

Smt. Manjula Srivastava a/a 51 years w/o Sri D.P.Sinha r/o 238, Indra Nagar Colony, Jail Road, Raibareily, presently working as PRT at KV No.1, District- Raibareilly.

Applicant

By Advocate: Sri V.K. Srivastava

Versus

1. Kendriya Vidyalaya Sangathan, 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16, through its Chairman
2. Commissioner, Kendriya Vidyalaya Sangathan, 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16
3. Education Officer, Kendriya Vidyalaya Sangathan, 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16
4. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Sector J, Aliganj, Lucknow

Opposite Parties

By Advocate: Sri SurendranP

ORDER (Dictated in Open Court)

BY HON'BLE SHRI JUSTICE ALOK KUMAR SINGH, MEMBER (J)

Heard.

2. Learned counsel for the applicant submits that the applicant has made a representation to the appropriate authority regarding her grievance in the light of judgment rendered by this Bench on 12.7.2011 in OAs No. 235/2010, 234/2020, 236/2010 and 233/2010. He further submits that grievance of the applicant is squarely covered by the aforesaid judgment of this Tribunal. He further contends that even the Principal Bench has passed a judgment in O.A. No. 288/2011 on 8.8.2011, keeping in view the aforesaid judgment of this Tribunal (Lucknow), directing the respondents to dispose of the representation of the applicant in the light of the aforesaid judgment. An electro stat copy of the above judgment has also been placed before us for perusal.

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3. We have gone through our judgment of this Bench and also the above judgment of Principal Bench, New Delhi.

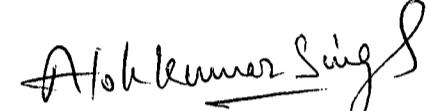
4. Learned counsel for applicant further submits that in similar matter in O.A. No. 329/2011 also, after considering these facts and circumstances, a direction was given on 17.8.2011 to dispose of the pending representation within a stipulated period (Annexure -11). Learned counsel for applicant also points out that as pleaded in para 4.22, 4.23 and 4.24 of this O.A. in furtherance of above order dated 17.8.2011 in O.A.No.329/2011, a favourable order has been passed in favour of Smt. Sapna Roy and she has been called back at Kanpur Station and she has jointed at Kanpur Station on 12.9.2011. Sri Surendran P says that he has no instruction in this regard. He therefore, submits that this O.A. may also be disposed of similarly giving similar direction for disposal of pending representation dated 5.9.2011 (Annexure -12) within a stipulated period. He also submits that the applicant being a law abiding employee, has already joined at new place of posting.

5. Sri Surendran P ,learned counsel has put in his appearance on behalf of all the respondents and has no objection if the respondents are directed to dispose of the pending representation but at the same time he points out that the present transfer order is based on subsequent amended transfer policy which came into effect in the month of April, 2011, whereas earlier transfer orders which were impugned in the aforesaid OAs, were based on a transfer policy which was in vogue in the year 2010. In reply to this , learned counsel for applicant submits that perusal of this new transfer policy (Annexure 7) would show that there is no basic change and further it has not been passed in supersession of earlier guidelines/policy and no where it is so mentioned in the entire policy. Moreover, he submits that he wants redressal of grievance of the applicant in the light of the aforesaid judgment dated 12.7.2011 and if in the wisdom of the authorities, the

aforesaid order of this Tribunal has no application at all in the case of the applicant, then they may pass a speaking and well reasoned order justifying their such stand.

6. In view of the above, without entering into merit of the case, at this stage, we are disposing of this O.A. finally with an observation /direction to the respondents to dispose of the aforesaid representation of the applicant (Annexure 12) within a period of 4 weeks from today by passing a well reasoned and speaking order having regard to the observations made hereinabove in the body of the judgment. No order as to costs.


29.9.11
(S.P. Singh)
Member (A)


29.9.11
(Justice Alok Kumar Singh)
Member (J)

HLS/-