

1.

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A. No.689/2005

Date of order : 27th October, 2005

CORAM

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Shashi Mohan Singh

.....

Applicant

Vrs.

Union of India & Ors.

.....

Respondents

Counsel for the applicant : Shri Gautam Bose

Counsel for the respondents : Shri S.C.Jha, ld. counsel for Shri
G.K.Agarwal, ASC.

ORDER (ORAL)

Justice P.K.Sinha, VC :-

Heard the learned counsel for the applicant on admission and the learned counsel for the respondents. This application is directed against Annexure-A/1 by which the applicant, Librarian at Kendriya Vidyalaya Barauni has been ordered to be transferred to Kendriya Vidyalaya Khagaria with immediate effect. This order is dated 7.10.2005. The learned counsel for the applicant submits that he has come up against this transfer order on the ground of malafide of the official who had signed Annexure



A/1, namely, the Education Officer. Annexure-A/2 is pointed out under which the applicant was communicated the adverse remarks in his ACR said to have been recorded by another Education Officer, and also Annexure-A/7, the memorandum of charges for initiating a departmental inquiry against the applicant in which one of the charges was misbehaviour against the Education Officer [Respondent No.7].

2. Against this transfer order, the applicant has already made representation to the Joint Commissioner [Admn.], Kendriya Vidyalaya Sangathan, New Delhi, vide Annexure-A/9 in which he also has made an alternative prayer to post him at K.V.C., R.P.F. at Mokama on the ground that his wife is posted at K.V., H.F.C., Barauni.

Pending disposal of this case or the matter, the alternative relief has also been pressed which is to stay the implementation of Annexure-A/1. However, I find from Annexure-A/10 that the applicant has already been relieved from the duty in the forenoon of 24.10.2005. ^{But,} it is _{As per} submitted that the applicant had not yet joined his new place of posting.

3. The official representation filed by the applicant is pending before the superior Officer who may consider his prayer for cancelling the order or, more particularly, for posting him somewhere else on the ground of posting of his wife at Barauni.



5. The ld. counsel for the respondents submits that the competent authority, i.e. Joint Commissioner [Admn.] may be allowed to take a decision first upon the representation.

6. This application is disposed of with a direction to the Joint Commissioner [Admn.], Kendriya Vidyalaya Sangathan, New Delhi to take decision upon the representation at Annexure-A/9 dated 19.10.2005 filed by the applicant within a period of fifteen days of the receipt of a copy of this order. The applicant is also directed to make available a copy of this order along with a copy of this application with annexures, to the aforesaid officer within a week of the receipt of the certified copy of the order.

7. In so far as staying the operation of Annexure-A/1 is concerned, the applicant has already been relieved. If his application is disposed of favourably, the authority concerned may also consider regularising the period of joining at the new place of posting, in case his alternative prayer is allowed.

8. With the aforesaid directions and observation, this application is disposed of.



[P.K.Sinha]
Vice-Chairman

mps.