

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO. : 746 of 2000.

Dated this Thursday, the 9th day of November, 2000.

Om Prakash Prasad (PRT), Applicant.

Shri A. I. Bhatkar, Advocate for the applicant.

VERSUS

Union of India & Others, Respondents.

Shri V. G. Rege, Advocate for Respondents.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A)

(i) To be referred to the Reporter or not ? X

(ii) Whether it needs to be circulated to other Benches of the Tribunal ? X

(iii) Library. X

B. N. BAHADUR

MEMBER (A)

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Om Prakash Prasad (PRT)
Kendriya Vidyalaya,
Central Railway,
Solapur.

... *Applicant.*

(By Advocate Shri A. I. Bhatkar)

VERSUS

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi - 110 016.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan (MR)
I.I.T. Powai, Mumbai - 400 076.
3. The Principal,
Kendriya Vidyalaya,
Air Force Station, Devlali,
Devlali (M.S)-422501. ... *Respondents.*

(By Advocate Shri V. G. Rege).

OPEN COURT ORDER

PER : Shri B. N. Bahadur, Member (A).

Learned Counsel, Shri A. I. Bhatkar for the applicant and Shri V. G. Rege for the respondents are present and heard. Although reply is yet to be filed by the Respondents, it is found that the matter is a simple transfer matter, which is hereby heard at the admission stage and disposed of accordingly.

2. The facts and arguments brought forth by the Learned Counsel for the Applicant, Shri A. I. Bhatkar, have been



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considered and it is also clear that this is *prima-facie* a matter to be considered first by the Respondents.

3. In fact, upon his transfer, the applicant had made an application dated 12.09.2000, a copy of which is at exhibit-4 of the O.A. The Learned Counsel, Shri A. I. Bhatkar, says that subsequent to this, the applicant has in fact carried out the order and has joined at his new place of posting. Further, representations have also been made on 25.09.2000 (exhibit-8) followed by representation dated 09.10.2000 (exhibit-9).

4. Considering all aspects of the facts of the case and the settled law on the subject, it will be appropriate to dispose of this O.A. with a direction that the Respondents should first consider the above representations made by the Applicant on merits and in accordance with law. Certain points were sought to be argued regarding the vacancy position viz-a-viz surplus declared, etc. This aspect is also to be considered by Respondents.

5. In view of the above discussions, this O.A. is disposed of with directions to the respondents as follows :

The Respondents shall consider the aforesaid representations/applications made by the applicant for his re-posting to Devlali/any other station, and decide it on merits and in accordance with law, and intimate the applicant of the decision taken.

This order shall be complied within a period of six weeks from the date of receipt of a copy of this order.



In case any order adverse to the applicant is passed, it will be open to him to seek redressal as per law.

No order as to costs.

B. N. Bahadur

(B. N. BAHADUR)
MEMBER (A).

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