

CENTRAL ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.520 of 2001

DATED THE 20th DAY OF AUGUST, 2001

CORAM: HON'BLE MR. JUSTICE ASHOK C. AGARWAL-CHAIRMAN
HON'BLE MR. G.C. SRIVASTAVA -MEMBER (A)

Mrs. Rajkumari,
W/o Dinesh Kumar Gautam,
aged 41 years,
OCCUPATION: SERVICE TEACHER,
Kendriya Vidyalaya, Jalgaon,
R/o Quarter No.C - 01 Staff Colony,
North Maharashtra University Campus,
Jalgaon. - Applicant
(By Advocate Shri A.P.Chawre)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
Institutional Area,
New Mehroli Road,
New Delhi - 110 001.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Mumbai Region, IIT Powai,
Mumbai - 400 076.
3. The Principal,
Kendriya Vidyalaya, N.M.U.,
Jalgaon.
4. The Principal,
Kendriya Vidyalaya, B.R.D.,
Pune.
5. The Union of India
through the Kendriya Vidyalaya Sangathan,
Institutional Area,
Mehroli Road, New Delhi - 110 001. - Respondents
(By Advocate Mrs. Hina P. Shah)

ORAL ORDER

Per: Hon'ble Mr. Justice Ashok C. Agarwal, Chairman

By the present O.A., the applicant impugns the
order of transfer dated 13.4.2001 at Annexure-A. By the
said order she has been transferred from Jalgaon to Pune.

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This has been done as is clear from the order on account abolition of the post of TGT (Hindi) in Jalgaon. As the applicant who is a TGT (Hindi) is rendered surplus. On account of the abolition of the post she has been transferred to Pune. The aforesaid order on the face of it appears to be on administrative exigencies.

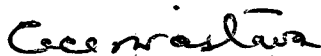
2. However, in the Counter filed on behalf of the respondents it is averred that the aforesaid post of TGT (Hindi) is now being managed by a Teacher appointed on contract basis. The aforesaid appointment of TGT (Hindi) on contract basis, in our prima facie view, runs counter to the abolition of the post and consequent order of transfer.

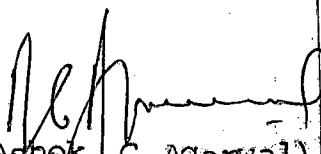
3. The applicant has submitted her representation against the order of transfer on 1.6.2001 filed at Annexure-C. The case of the applicant has also been recommended by the Vice Chancellor who is ex-officio Chairman of the Kendriya Vidyalaya Managing Committee vide his letter dated 29.1.2001 at Annexure-B. No decision has been taken on the aforesaid representation of the

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applicant at Annexure-C and the recommendation of the Vice Chancellor at Annexure-B. In the circumstances, we find that the interest of justice will be duly met by directing the Assistant Commissioner, Kendriya Vidyalaya Sangathan - respondent no.2 herein to take a decision on the aforesaid representation expeditiously and communicate his decision to the applicant. We direct accordingly. The present petition is disposed of in the aforestated terms. Pending decision of respondent no.2 on the representation, the respondents will maintain status-quo as on date.

4. No order as to costs .


(G.C. Srivastava)
Member (A)


(Ashok C. Agarwal)
Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P.No.115/2001 in
O.A.No.520/2001

Dated this Monday the 10th Day of December, 2001.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Smt. Shanta Shastry, Member (A)

Mrs.Rajkumari w/o Dinesh Kumar Gautam
Teacher, Kendriya Vidyalaya, Jalgaon.
R/o Quarter No.C-01, Staff Colony,
North Maharashtra University Campus,
Jalgaon.

.. Applicant.

(By Advodate Mrs.Smita Anand)

VERSUS

1. T.N. Satyamurthy,
Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Mumbai Region, IIT Powai,
Mumbai - 400 076.
2. H.M. Caire,
Commissioner,
Kendriya Vidyalaya Sangathan,
Institutional Area, New Mehroli Road,
New Delhi - 110 001.

.. Respondents

ORDER (ORAL)

{ Per : Justice Birendra Dikshit, Vice Chairman }

This Contempt Petition is directed against the Order passed by this Tribunal in O.A. 520/2001, whereby this Court directed the disposal of representation of the applicant and communicate its decision to the applicant. Respondent No.1 has disposed of the representation by order dated 25.9.2001 whereby the applicant's request for cancelling the transfer order was rejected.

2. The Learned Counsel for the applicant argued that the direction of this Tribunal has not been carried out

B. Dikshit

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thus there is wilful dis-obedience of the Order of this Tribunal. She argued that while turning down the representation of applicant, the recommendations of Vice Chancellor has not been taken into consideration despite the Order of this Tribunal in O.A.

3. We have considered the argument and we are satisfied that order stands complied. It is correct that the appointment of a Trained Graduate Teacher (Hindi) on contract basis is counter to the abolition of the post and transfer, which was due to abolition of post, but our direction in substance was more to get the representation of applicant disposed of, which has been done. Thus it cannot be said to be ^{an action} ~~a direction~~ which may amount to wilful dis-obedience of the order. Thus the contempt petition fails.

The Contempt Petition is dismissed, with no order as to costs.

A copy of this order may be supplied to Counsel for applicant within 48 hours.

Shanta f
(Smt. Shanta Shastry)
Member (A)

B. Dikshit
(Birendra Dikshit)
Vice Chairman.

H. *dl 10/12/07*
order/decree despatched
to Applicant/Respondent(s)
on *08/11/07*
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