

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER : 08.01.2002

TA No. 8/2001
(Civil Suit No. 490/92)

Smt. Premlata Cheplot wife of Shri Nemichand Ji Cheplot, TGT.
Social Studies, Kendriya Vidhyalaya, Kota Junction.

....Applicant.

VERSUS

1. Kendriya Vidhyalaya Sangathan through Commissioner, 18,
Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
2. Assisstant Commissioner, Kendriya Vidhyalaya Sangathan,
Jaipur Region, 2-2A, Jhalanana Doongri, Jaipur.
3. Principal, Kendriya Vidhyalaya Sangathan, Kota Junction.

....Respondents.

Mr. Rajveer Sharma, Counsel for the applicant.

Mr. V.S. Gurjar, counsel for the respondents.

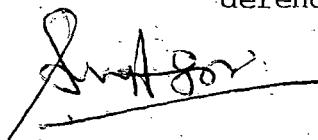
CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)

ORDER

PER HON'BLE MR. S.K. AGARWAL, MEMBER (JUDICIAL)

Applicant in this case had filed Civil Suit before Munsif North, Kota and made a prayer for issuance of permanent injunction against the defendants not to transfer the applicant from Kendriya Vidhyalaya, Kota Junction to any other place. Reply in the Civil Suit has already been filed by the defendants.



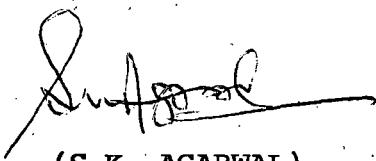
2. Vide order dated 2.11.2001, the Civil Suit No. 492/92, pending before the Court of Civil Judge (JD) North, Kota, was transferred to this Tribunal as having no jurisdiction to decide this case by the aforesaid Court.

3. Heard the learned counsel for the parties and also perused the whole record.

4. Learned counsel for the respondents has submitted that the applicant was transferred from Kota to Bharatpur against which applicant filed a representation before the Competent Authority which has already been decided vide order dated 10.2.99 and she was allowed to continue at Kota till further order as per the reasons given in order dated 10.2.99. Learned counsel for the respondents also submitted that thereafter applicant has again been transferred from Kota to Bharatpur vide order dated 24.8.2001. Therefore, Civil Suit filed by the applicant has become infructuous.

5. I have given anxious consideration to the contention of the learned counsel for the respondents and also heard the learned counsel for the applicant and also perused the whole record. Transfer is an incident of service and an employee has no right to remain at a particular place of posting and this Tribunal can only interfere in matter of transfer, if there is malafides on the part of the respondent department or there is violation of statutory norms in issuing the orders of transfer. Since the applicant who has filed Civil Suit against a particular order of transfer, the representation has already been disposed of and required relief was already given by the Department to the applicant vide decision on representation dated 10.2.99. Therefore, in my considered view, applicant has no case for interference by this Tribunal. This OA is devoid of any merit and is liable to be dismissed.

6. I, therefore, dismiss this OA having no merits with no order as to costs.



(S.K. AGARWAL)

MEMBER (J)