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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 28.6.1999

OA 270/99

Arjun Singh Rajawat, UDC, Kendriya Vidyalaya, Jobner (Rajasthan).

... Applicant

Versus

1. Secretary to the Govt. of India, Ministry of Human Resources Development, Department of Kendriya Vidyalaya Sangathan, Shastri Bhawan, New Delhi.
2. Chairman, Kendriya Vidyalaya Sangathan, 18 Industrial Area, Shaheed Jeet Singh marg, New Delhi.
3. Dy. Commissioner, Kendriya Vidyalaya Sangathan (Admn), 18, Industrial Area, Shaheed Jeet Singh Marg, New Delhi.
4. Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur.
5. S.K.Jain, Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.K.L.Thawani

For the Respondents ... Mr.V.S.Gurjar

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Arjun Singh Rajawat, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, assailing the order dated 7.4.99, at Annexure A-1, by which he was transferred from Kendriya Vidyalaya Jobner to Kendriya Vidyalaya Suratgarh Cantt.

2. We have heard the learned counsel for the parties and have carefully perused the records. Counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. Applicant's case is that he has enormous personal and family problems and it was due to these problems that he sought discharge from the Army and for remaining at Jaipur. He had accepted the post of a Lower Division Clerk. Thereafter, he was promoted as an Upper Division Clerk and got his posting near Jaipur to enable him to look after his family including his ailing mother and disabled wife. His three sons are prosecuting their studies in lower classes in private schools. His wife had met with an accident on

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4.1.95 and sustained physical disability. The grievance of the applicant is that he is being ignored for posting at Jaipur and many Upper Division Clerks have been retained at Jaipur for quite a long time. The contention of the applicant is that despite his personal hardships and family problems and in spite of his case having been taken as one deserving sympathetic consideration as long back as in January, 1996, he has now been posted to Suratgarh and the other staff of the Jobner School have been adjusted at Jaipur. The respondents have categorically stated in the reply that the applicant vide his application dated 7.5.99 requested the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Jaipur, for his posting to any Kendriya Vidyalaya at Jaipur but the same could not be acceded to due to non-availability of any vacancy. Rejoinder has been filed to the reply of the respondents, wherein the applicant has stated that he can now be adjusted against the vacancy arising out of the retirement of Shri Gulab Chand Sharma, Head Clerk, which is near at hand.

4. In the result, taking into consideration all the facts and circumstances of the case, we direct the respondents to consider posting the applicant as an Upper Division Clerk in any Kendriya Vidyalaya/Office at Jaipur against any vacancy which may arise. The OA stands disposed of accordingly. No order as to costs.

Chawhan
(N.P.NAWANI)
ADM. MEMBER

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(GOPAL KRISHNA)
VICE CHAIRMAN

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