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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Date of order : 22.1.2001

O.A. NO. 38/2001

Ravindra Nath Agnihotri S/o Shri Shanker Dutt Agnihotri
Age 47 years, PGT Itarana, R/o Kendriya Vidyalaya Staff
Quarters, Itarana (Alwar).

..... Applicant.

versus

1. Kendriya Vidyalaya Sangathan through its Joint Commissioner (Admn), KVS, 18, Institutional Area, Shahid Jeet Singh Marg, New Delhi 110 016.
2. Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur.
3. Abraham Chacko, Brigadier, 20 Infantry Brigade and Chairman, Kendriya Vidyalaya, Itarana C/o 56 A.P.O.

..... Respondents.

CORAM :

HON'BLE MR. A. K. MISRA, JUDICIAL MEMBER

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

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Mr. A.C. Upadhyaya, Advocate, for the applicant.

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ORDER

PER HON'BLE MR. A. K. MISRA :

Heard the learned counsel for the applicant.

2. The applicant has been transferred from Itarana to Palampur, said to be in the Jammu region, vide the

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impugned order Annex A/9 dated 12.1.2001. By an endorsement made to the Principal, Kendriya Vidyalaya Sangathan (KVS), Itarana, the applicant was directed to be relieved immediately. The applicant has challenged the transfer order on the ground of his illness due to arthritic, study of his daughter at Kota for appearing in P.M.T. and malafide of respondent No.3.

3. It is alleged by the applicant's that his wife is serving at Kanpur and applicant has been seeking his transfer to a nearby station at Kanpur but has been transferred to a far distant place. There are allegations of malafides against the management committee of the school and specially against the respondent No.3. The transfer order has been categorised as a punitive transfer order.

4. We have heard the learned counsel for the applicant and considered the application. During the course of arguments, it was submitted that the daughter of the applicant is studying at Kota and preparing for PMT Examination. This means that she is not living with the applicant at Itarana at present. There is also nothing on record to show that the applicant has been refused adjustment nearby Kanpur. The Government has no doubt framed a policy to keep the husband and wife at one place but this is subject to availability of post and possibility of adjustment at nearby place. At present when the husband and wife have been posted at two different places, this factor of not keeping husband and wife at one place, is of no importance so far as present transfer is concerned. The transfer matter is more related to the administrative exigencies than the personal

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conveniences.

5. We have also considered the allegations relating to mala fide. In our opinion, they are not convincing. The allegations of malafides should be so clear and evident on the face of it that no other interpretation can be derived out of the action of the respondents. In this case, the allegations of mala fide are only presumptive. Even the representation against the transfer order has not been made by the applicant. Transfer is an essential event of service carrier and in view of this, we are not inclined to issue notices in the instant case. The Applicant is free to make a representation for his adjustment as per his desire. The Application is, therefore, dismissed in limine and disposed of accordingly.

ANP
AN.P.NAWANI
Adm. Member

AKM
(A.K.MISRA)
Judl. Member

jrm.