

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 15.7.2002

OA No.303/2002

Smt. V.Bisarya w/o Shri Pushpendra Bisarya, Education Officer r/o Q.No.IV/02, C/o K.V.S, RO, 92, Bajaj Nagar, Jaipur

.. Applicant

Versus

1. Kendriya Vidyalaya Sangthan through its Joint Commissioner/Dy. Commissioner, 18, Institutional Area, Shaheed Jeet Singh, Marg, New Delhi- 110 016.
2. The Commissioner, Kendriya Vidyalaya Sangthan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
3. The Asstt. Commissioner, Regional Office, 92, Bajaj Nagar, Jaipur
4. Shri S.K.Jain, Asstt. Commissioner, Kendriya Vidyalaya Sangthan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.

.. Respondents

Mr. Manish Bhandari - counsel for the applicant

CORAM:

HON'BLE MR. H.O.GUPTA, MEMBER (ADMINISTRATIVE)

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

O R D E R (ORAL)


The applicant is aggrieved of the order dated 21.5.2002 (Ann.A1) whereby, while working as Education Officer, she has been transferred from Kendriya Vidyalaya Sangthan (KVS), Jaipur to Kendriya Vidyalaya Sangthan,

Patna on administrative exigencies. In relief, she has prayed for setting aside the impugned order.

2. Heard the learned counsel for the applicant.

2.1 During the course of arguments, the learned counsel for the applicant submitted that she is a lady officer and keeping in view the law and order problems at Patna and also the fact that she has to remain alone, she is very apprehensive to go to Patna. It has further been submitted that this transfer has been managed by the Assistant Commissioner because she did not carry out certain orders, which according to her, were not part of her duty. He has also raised various grounds in order to establish his contention of malafide. He further submitted that her husband and children are staying at Bhopal and it will be very difficult to manage her family from Patna. It has further been submitted that there are two posts vacant, one at Lucknow and one at Jabalpur and she is prepared to go at either of the places. It has also been contended that she is prepared to go on transfer but at the same time the respondents should also consider stopping harassment and transferring her to the desired place. It has also been submitted that the applicant represented against the transfer and also requested to either continue her at Jaipur or to transfer her at Lucknow or Jaipur, but no reply of the representation has been received from the respondents. It has also been submitted that the applicant has been relieved but she has not joined the transferred place.

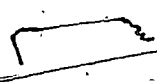
3. We feel that the representation of the



applicant has not been disposed of and the same is required to be disposed of. Accordingly, without going into the merit of the case, this OA is disposed of at the admission stage with the direction to the applicant to file a fresh representation before the Commissioner, Kendriya Vidyalay Sangthan, New Delhi within 15 days from today and send the same by Speed Post to avoid delay. In that event, the respondent i.e. the Commissioner, Kendriya Vidyalay Sangthan shall dispose of the representation within a period of 4 weeks from the date of the receipt of the representation and duly consider her request being a lady officer for adjusting at Jabalpur/Lucknow or any other place in the vicinity of Bhopal where the vacancy might exist. It is further ordered that till the representation is disposed of, the applicant shall not be forced to join the new place of posting.


(M.L. CHAUHAN)

Member (Judicial)


(H.O. GUPTA)

Member (Administrative)