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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET  
APPLICATION NO. 195/2000 OF 199

Applicant(s) Sri Mukut Hazarika.


Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. G. K. Bhattacharyya.  
Mr. G. N. Das, Mr. B. Choudhry.


Advocate for Respondent(s) C. G. S. C.


Notes of the Registry	Date	Order of the Tribunal
<p>DIS appd form and G. F. of R. No. deposited vide IPO BD No. 497480 Dated 14.6.2000</p> <p>17/7/00 Notice prepared and sent to D/Section for issuing to respondents No 1 to 6. vide G/No 1824 to 1829 dtd 11/7/00</p> <p>15/8/00 Notice duly served on respondents No 3, 4, 5 &amp; 6.</p>	<p>7,7,00</p>	<p>Present: Hon'ble Mr S. Biswas, Administrative Member</p> <p>Learned counsel Mr G.K. Bhattacharyya for the applicant and Ms P. Baruah on behalf of Dr B.P. Todi, learned Standing Counsel, KVS.</p> <p>Heard the learned counsel for the applicant. The learned counsel for the respondents mentions that at least two weeks time may be given to find out whether, indeed, there is a vacancy at Happy Valley, Shillong vice Mr Shaji B under order of transfer to Ernakulam.</p> <p>According to the learned counsel for the applicant, till today there is a vacancy at Happy Valley, Shillong. However, if this averment is subsequently found to be wrong, the applicant is ready to face the</p>

Notes of the Registry	Date	Order of the Tribunal
<p><u>9/8/00</u>            Notice &amp; order dtd 7/7/00            of Respondent No 1. returned            due to incomplete address.</p>	7.7.00	<p>consequence of making an incorrect statement and he will have no objection if the case is dismissed on merits.</p> <p>Accordingly the limited prayer for interim order that the applicant may be permitted to join at Happy Valley, Shillong against the existing vacancy is considered. The respondent Nos.2 and 3 shall consider the request for posting the applicant at Happy Valley, Shillong against a likely vacancy in the meantime till the period of statutory notice of two weeks is over.</p> <p>The case is adjourned for two weeks with direction to give notice to the respondents returnable on 24.7.00. Pending that there will be no objection for the respondents to consider the prayer for posting of the applicant at Happy Valley, Shillong.</p> <p style="text-align: right;">S. O'Brien Member (A).</p>
	nkm	
	24.7.00	<p>No Bench is available.            Adjourned to 4.8.00.</p> <p style="text-align: right;">18/0 h</p>
<p><u>22/9/2000</u>            1) Notice duly served on            3-6 except 1 &amp; 2.            2) NO w/s has been filed.</p> <p>NS            22/9/2000.</p>	4.8.00	<p>There is no Bench. Adjourned to 28.8.00.</p> <p style="text-align: right;">18/0 h</p>
	28.8.00	<p>There is no Bench. Adjourned to 25.9.00.</p> <p style="text-align: right;">18/0 h</p>

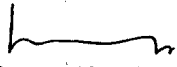
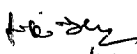
Notes of the Registry	Date	Order of the Tribunal
	25.9.00	<p>Present: Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman</p> <p>On the prayer made on behalf of Dr B.P. Todi, learned counsel for the KVS the case is adjourned to 26.9.2000.</p> <p>List on 26.9.2000 for consideration of admission.</p> <p style="text-align: right;"> Vice-Chairman</p>
trd	26.9.2000	<p>Mr G.K. Bhattacharyya, learned counsel for the applicant and Dr B.P. Todi, learned counsel for the KVS are present.</p> <p>The matter came up again for orders regarding iterim measure. The applicant was working as UDC at Lekhapani. He was relieved on his transfer to enable him to report to Principal, KVS, Tura. Accordingly the applicant reported for duty at KVS, Tura, but he was not allowed to join in the post by the Principal who expressed her inability to allow the applicant to join in the post of UDC since the post of UDC was filled up consequent upon joining of Mr J. Hussain vide KVS, New Delhi transfer order dated 13.10.1999. The applicant thus moved this Court. ON 7.7.2000, this Tribunal observed that there will be no objection for the respondents to consider the prayer for posting of the applicant at Happy Valley, Shillong on the statement made by the learned counsel for the applicant that there was a vacant post at Happy Valley, Shillong. It may also be stated herein that the applicant in his application for transfer on request for the year 1999-2000 cited three K.V.s/Institutions for his posting, namely any K.V. in Guwahati, any K.V. in Shillong and any K.V. in Tezpur. It has now been stated by Dr Todi that as per instructions, vacancy of UDC at K.V., Happy Valley, Shillong exists, but in that office the wife of the applicant is working as Head Clerk. Dr Todi submitted</p>

that.....

Notes of the Registry	Date	Order of the Tribunal
	26.9.2000	<p>that the posting of the spouses in the same office under the situation will be disconcerting and that may upset the apple cart. He also submitted that there is no other vacant post at Shillong and such vacancies are also not available either at Guwahati or at Tezpur to accommodate the applicant at this stage. Let the respondents file an affidavit on this matter indicating the vacancy position alongwith the records. In the meantime the respondents may consider the case of the applicant in the perspective of a make-shift arrangement by providing the applicant <sup>to</sup> work against the available vacancy indicated <sup>to</sup> above, viz. at K.V., Happy Valley, Shillong purely as an ad hoc measure. It is accordingly ordered as such to consider the case of the applicant. This has become necessary in view of the fact that the applicant was released on 17.11.1999 and since <del>there is no post</del> the applicant is not in a position to draw the pay and allowances attached to his tenure of the post. Needless to state that a Government servant will begin to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post as per the mandate of F.R.17.</p> <p>List the matter again on 1.11.2000 for the Affidavit of the respondents and records.</p> <p style="text-align: right;">   Vice-Chairman </p> <p style="text-align: center;"> nkm  1.11.00 </p> <p style="text-align: right;"> No Representation, list again  on 3-11-00.  By order, </p>
<p>Order dtd. 26/9/2000  Communicated to  Mrs. Gk Bhattacharya, Pdr &amp;  Mr. BP Todi, KRS. vide  D/No _____ dtd. _____  by  5/10/00</p> <p>No. Affidavit has been  filed.</p> <p>By  31-10-2000</p>		

Notes of the Registry	Date	Order of the Tribunal
<p>15.11.2000</p> <p>① Notice duly served on R.No- 3,4,5 and 6. Respondant No-2 are still awaiting. Respond. No-1 returned unserved due to incomplete address.</p> <p>② <u>2/11</u> 15.11.00</p>	<p>2.11.00</p> <p>pg</p> <p>16.11.00</p>	<p>Heard Mr G.K.Bhattacharyya, learned <del>in</del> counsel for the applicant and Dr B.P. Todi, learned counsel for KVS. Dr Todi submitted that the applicant has already been ordered to be posted at Happy Valley Kendriya Vidyalaya, Shillong in pursuance of the order of this Tribunal. Mr Bhattacharyya submitted that he has no instruction and seeks two weeks time to take instruction.</p> <p>List on 16.11.2000 for further order.</p> <p> Vice-Chairman</p> <p>Heard Mr G.N.Das, learned counsel for the applicant and also Dr B.P.Todi, learned counsel for KVS.</p> <p>Pursuant to the order dated 27.10.99 the applicant who was serving as UDC at Lekhapani was transferred to Tura. The applicant submitted a representation before the authority for considering his posting in any one place of his own choice as per the policy. By order dated 17.11.99 the applicant was relieved from the Kendriya Vidyalaya, Lekhapani with a direction to report to the Principal, Kendriya Vidyalaya, Tura. In terms of the order the applicant reported for duties at Tura but he could not be accommodated at Tura. The Principal of the Kendriya Vidyalaya, Tura accordingly certified that the post of UDC was not vacant consequent upon the joining of Sri J.Hussain <sup>advised to</sup> UDC. He was accordingly reported to the Assistant Commissioner, <sup>by</sup> Guwahati Region for further necessary action. The transfer order dated 27.10.99 was accordingly cancelled. Thereafter, the applicant moved this Tribunal praying for a direction for placing him either of <sup>the</sup> a place;</p>

contd..

Notes of the Registry	Date	Order of the Tribunal
<p>29.11.2000</p> <p>Copy of the order has been sent to the D/Sec for issuing the sum to the L/Advocate for the parties.</p> <p>HP</p>	16.11.00	<p>of his choice i.e. Guwahati, Shillong or Tezpur. During the pendency of this application, it has now been reported, that by order No.10-4/2000-KVS(GR)/6875-82 dated 31.10.2000 the applicant is transferred to Kendriya Vidyalaya, Missamari at his own request with immediate effect instead of Kendriya Vidyalaya, Tura. It has been stated at the Bar that the applicant by this time has joined the Kendriya Vidyalaya, Missamari.</p> <p>Mr G.N.Das, learned counsel for the applicant submitted that the period of absence from duty of the applicant is to be regularised and a direction should be given on the respondents to regularise the aforementioned period of absence. Since the applicant complied with the order of transfer and now posted at Kendriya Vidyalaya, Missamari and he was relieved from Lekhapani on 17.11.99 for joining at Tura and he could not be accommodated there and now has joined only after the order dated 31.10.2000, the respondents shall now take necessary steps for regularising the period of his absence as per law.</p> <p>The application is accordingly disposed of. No order as to costs.</p> <p style="text-align: right;">   Vice-Chairman </p> <p style="text-align: center;">pg</p> <p style="text-align: center;">   16/11 </p>

27 JUN 2000

গুৱাহাটী কেন্দ্রীয়

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:

GUWAHATI.O.A.NO. 195 /2000.

Shri Mukut Hazarika .

... applicant.

-Versus-

Union of India and others.

... Respondents.INDEX

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Filed by:-

Bikram Choudhury.  
(Advocate)Filed by the applicant  
through Bikram Choudhury  
27/6/2000: Advoca

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH:

GUWAHATI.

(An application U/s 19 of the Administrative Tribunals Act, 1985 ).

O.A. NO. 195 /2000.

Shri Mukut Hazarika

Son of Shri Surya Ram Hazarika

U.D.C., Kendriya Vidyalaya .

... Applicant.

-Versus-

1. Union of India ( represented by the  
Secretary to the Govt. of India ,  
Ministry of Human Resources and  
Development, Govt. of India ,  
New Delhi ).
2. Kendriya Vidyalaya Sangathan,  
18, Institutional Area ,  
Shahid ~~Uttam~~ Singh Marg ,  
New Delhi-110016 .
3. Assistant Commissioner ,  
Kendriya Vidyalaya Sangathan,  
Guwahati Region ,  
Maligaon (Assam ) .

contd...

Mukul Hazarika

2.

4. Assistant Commissioner ,  
Kendriya Vidyalaya Sangathan,  
Silchar Region  
Silchar (Assam) .

5. Principal , ,Kendriya vidyalaya,  
Lekhapani  
District :- Tinsukia (Assam).

6. Principal, Kendriya Vidyalaya ,  
Tura (Meghalaya).

... Respondents.

1: PARTICULARS OF THE ORDER AGAINST WHICH THE  
APPLICATION IS MADE :-

I) Office order dated 27.10.99 passed by the Kendriya Vidyalaya Sangathan (K.V.S. in short), Respondent No.2 and communicated under its office memorandum No. F.4-1(1)/99-KVS(E.IV) dated 27.10.99 whereby the transfer of the employees was ordered with immediate effect on request the applicant was also transferred, alongwith others, from Lekhapani Kendriya Vidyalaya to Tura Kendriya Vidyalaya arbitrarily although being eligible for transfer on request , he, opted for choice posting at any K.V., Guwahati, any K.V., Shillong and any K.V., Tezpur only .

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3.

II) Order dated 17.11.99 passed by the Respondent No.2, as communicated by its office memorandum No. F.4-1(1)/99-KVS.(E.IV) dated 17.11.99 whereby the transfer order of even number dated 27.10.99 in respect of the applicant transferring him from Lekhapani K.V. to Tura K.V. , was cancelled .

III) Illegal and arbitrary action of the respondent-authorities in not considering and responding to the representations submitted by the applicant praying for his posting at K.V., Happy valley (Shillong) on spouse ground as his wife is also serving at K.V., Happy Valley (Shillong) in terms of his application dated 18.5.99 for transfer on request , 1999-2000. The said post is still lying vacant .

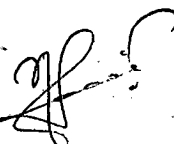
2: JURISDICTION OF THE TRIBUNAL :-

The applicant declares that the subject-matter of the orders against which he wants redressal is within the jurisdiction of the Tribunal .

3 : LIMITATION :-

The applicant further declares that the application is within the limitation prescribed under section 21 of the Administrative Tribunals Act , 1985 .

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4 : FACTS OF THE CASE :-

- 1) That the applicant passed the Matriculation examination in 1978 and due to acute financial hardship, it became impossible for him to go for higher education.
- 2) That the applicant was duly selected and appointed as Lower Division Clerk (L.D.C. in short) in 1984 in Kendriya Vidyalaya Sangathan. He was posted to Kendriya Vidyalaya, K.V. in short) Aizal (Mizoram). He joined his duties at K.V., Aizal in May, 1984 where he continued till October, 1988. He was thereafter transferred and posted to K.V., Lekhapani in the district of Tinsukia (Assam) where he joined his duties in October, 1988. While serving as such, the applicant was promoted to the rank of Upper Division Clerk (U.D.C. in short) in 1994 and allowed to continue as such in the same vidyalaya. The applicant was working in K.V., Lekhapani from 1988 to 1994 as L.D.C. and from August, 1994 till 1999 as U.D.C.
- 3) That the K.V. Sangathan, New Delhi (Respondent No.2), by circular memorandum No.F.1-1/99-KVS (Estt-III) dated 26.4.99 addressed to the Principals of all the Kendriya Vidyalaya in India inviting fresh applications in prescribed format from the teaching and non-teaching staff for "Annual Request Transfers" during the year 1999-2000. The

contd...

Circular stipulated that only those who would have completed one year's stay as on 31.3.99 at the same Vidyalaya/stations were eligible to apply for such request transfer .

It would be pertinent to point out that the applicant was serving at K.V., Lekhapani from 1988 continuously and he had become eligible for applying for request transfer .

Copy of the said circular memorandum dated 26.4.99 is annexed herewith and marked as Annexure-I.

4) That in pursuance of the said circular memorandum dated 26.4.99, the applicant submitted his application in prescribed format on 18.5.99 for transfer on request during the year 1999-2000. The applicant gave his preference for choice posting at any K.V., Guwahati ( where there are five K. Vidyalaya ), any K.V., Shillong (where there are four K.Vidyalaya) and any K.V., Tezpur (where there are two K.Vidyalaya) in order of preference. It would be pertinent to point out that Shrimati Binapani Hazarika, wife of the applicant, has been serving as Head Assistant w.e.from July, 1997 in K.V., Happy Valley, Shillong and as such the applicant opted for posting in any K.V. in Shillong on spouse ground. The applicant also preferred choice posting at Guwahati to look after his ailing parents who are above 75 years of age. The Principal,

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K.V., Lekhapani (Assam) duly forwarded , on 18.5.99, the application filed by the applicant to the Asstt. Commissioner, K.V.S., Silchar Region (Respondent No.4; and the applicant had come to know that his application was sent to the Respondent No.2 alongwith the applications filed by others of Silchar Region .

Copy of the said application dated 18.5.99 is annexed herewith and marked as Annexure- II.

5) That the applicant begs to state and submit that he, as L.D.C., served in K.V., Aizwal from 1984 to 1988 all alone as no U.D.C. was posted there keeping the post of U.D.C. vacant all through the period. The applicant had to cover the duties of the U.D.C. also during that period. The staff position was also similar at K.V., Lekhapani when the applicant joined there as L.D.C. in September, 1988. There was no U.D.C. posted to K.V., Lekhapani against the sanctioned post for which the applicant had to cover the duties of the U.D.C. also when the applicant was promoted to the rank of U.D.C. in 1994, he was posted to K.V., Lekhapani against the existing vacant post . On his promotion, he had to attend to the duties assigned to the L.D.C. also .

6) That the applicant has been discharging his duties honestly, sincerely and to the best of

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7.

his ability and there was no occasion when the applicant incurred the displeasure of his superiors at any point of time .

7) That the applicant became shocked and surprised to have received the office order dated 27.10.99 , passed by the Respondent No.2 as communicated under cover of his office memorandum No.F.4-1 (1)/99-KVS (E.IV) dated 27.10.99 whereby some employees in the rank of Librarian , Head Clerk, U.D.C., L.D.C. and Laboratory Attendants were transferred from one K.V. to another K.V. It would appear from the said transfer order that the transfer of the employees was ordered with immediate effect on request only . The applicant was similarly transferred from K.V., Lekhapani to K.V. Tura (Meghalaya) on request although the applicant never opted for posting on choice to K.V., Tura. The name of the applicant appeared at Serial No.2 at page 2 of the said transfer order .

It would be very pertinent to mention here that the applicant opted for request posting at K.V., Guwahati, K.V. Shillong and K.V., Tezpur in order of preference in his application dated 18.5.99 (Annexure-II) and he never opted for posting at K.V.Tura. Although the transfer was ordered on request, the applicant was transferred to Tura for which he never opted . The applicant was transferred to Tura for no apparent reason arbitrarily and in colourable exercise of powers by the Respondent authorities. It was

contd...

apparent from the impugned transfer order dated 27.10.99 that the post of U.D.C. at Happy Valley K.V. is lying vacant till date after the transfer of Mr. Shaji B. to Ernakulam K.V. from that post. The applicant could have been easily posted against this vacancy at Happy Valley K.V. (Shillong) as Shillong was one of his choice stations for posting .

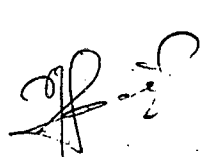
A copy of the said impugned transfer order which will speak for itself is annexed herewith and marked as

Annexure -III.

8) That the applicant begs to state and submit that he has been posted to hard locations since the date of his appointment in the organisation inasmuch as Aizwal in Mizoram and Lekhapani in Assam are located in remote places in the N.E.Region and considered as hard stations. The applicant has not been able to stay with other members of his family during the entire period from 1984 to 1999 as his wife, as stated above, is also an employee of the Sangathan and now posted as Head Clerk in K.V., Happy Valley in Shillong and as such he is facing untold hardship in life .

9) That the applicant begs to state and submit that , as stated above, the applicant has served in Aizwal and Lekhapani which are considered hard stations continuously from 1984 till date and

coptd ....



as such this aspect of hardship faced by the applicant ought to have received special consideration at the hands of the respondent-authorities but the authorities have declined to consider this aspect of the matter for reasons best known to the authorities only .

10) That the applicant, on 8.11.99, requested the Principal, K.V., Lekhapani in writing requesting him not to release him as he had taken up the matter of his transfer to Tura with the authorities .

11) That immediately on receipt of the aforesaid transfer order dated 27.10.99, on 8.11.99, the applicant , on 9.11.99, also submitted a representation to the respondent No.2 through proper channel stating, inter alia, that Guwahati, Shillong and Tezpur were his places of choice posting but instead he was transferred and posted to Tura on choice. It was prayed that his transfer to Shillong might be considered on spouse ground alone. The post of U.D.C. at K.V., Happy Valley, Shillong is still lying vacant and as such his case for posting to Shillong could be considered .

Copy of the said representation dated 9.11.99 is annexed herewith and marked as Annexure- IV.

12) That the Principal, K.V., Lekhapani, under cover of his office memo No. F.A-5/KVL/99-2000/157-159 dated 9.11.99, intimated the respondent No.2

contd...

that the applicant was transferred and posted to Tura although it was not his choice place of posting and as such he was not relieving the applicant immediately. The copies of the said memorandum was also endorsed to the respondents No.4 and 5 for information .

Copy of the said memorandum dated 9.11.99 is annexed herewith and marked as Annexure- V.

13) That, thereafter, the Principal, K.V., Lekhapani, by his order No. F.A-6/KVL/99-2000/174 dated 17.11.99, relieved the applicant from K.V., Lekhapani on 17.11.99, and directed him to report to the Principal, K.V., Tura in terms of the transfer order dated 27.10.99 (Annexure-III) .

Copy of the said order dated 17.11.99 is annexed herewith and marked as Annexure- VI.

14) That the applicant, thereafter, being a loyal employee , proceeded to Tura and reported his joining at K.V., Tura in terms of the transfer order dated 27.10.99 (Annexure-III) and relieving order dated 17.11.99 (Annexure-VI). The applicant became shocked and surprised to know that the post of U.D.C. was not lying vacant consequent upon joining of one J. Hussain as U.D.C. as ordered by the respondent No.2 vide order No.

contd....

24-11-99

F.4-1 (13)/99-KVS(E.IV) dated 13.10.99 .

It is not understood as to how the Respondent No.2, while issuing the transfer order dated 27.10.99 in respect of the applicant, ignored its own earlier order dated 13.10.99 posting Shri J.Hussain as U.D.C. at K.V., Tura. The Principal, K.V., Tura, finding no way out, had directed the applicant to report to the Asstt. Commissioner , KVS, Guwahati Region, Guwahati -12 (Respondent No. 3) for taking further necessary action in the matter . The Principal has issued a certificate to that effect vide her memo No. 9-1/KVT/99-2000/1150-1151 dated 22.11.99 .

Copy of the said certificate dated 22.11.99 is annexed herewith and marked as Annexure- VII.

15) That, as directed, the applicant, on 24.11.99, reported to Asstt. Commissioner, KVS, Guwahati Region, Guwahati -12 who in turn , issued his office order No. F.10-3/99-KVS(GR)/7839-42 dated 24.11.99 whereby the applicant was directed to report to the Principal, K.V., Lekhapani as his transfer to K.V., Tura in terms of order dated 27.10.99 had since been cancelled. In this connection the applicant begs to state and submit that he left Lekhapani K.V. on transfer when he was

contd...

duly relieved and after attending farewell tea party and as such he did not proceed to Lekhapani K.V. for the Second time specially when the claim of the applicant for choice posting was legitimate and due to him . It was not understood as to why the applicant could not be accommodated against the vacancy at Happy Valley K.V. caused by transfer of Mr. Shaji B to Ernakulam and such action on the part of the authorities would clearly confirm that the order dated 27.10.99 (Annexure-III) was issued arbitrarily and without proper application of mind. As the claim of the applicant was due, he was under the legitimate expectation that his case would be considered by the authorities but, surprisingly, nothing has been done till date .

A copy of the said order dated 24.11.99 and a copy of the order dated 17.11.99 passed by the Respondent No.2 cancelling the transfer order dated 27.10.99 in respect of the applicant are annexed herewith and marked as Annexure- VIII and IX respectively.

16) That the applicant begs to state and submit that hardship is a special circumstance to be taken into consideration in the matter of transfer . The applicant has been serving all through in Mizwal and Lekhapani and both the places were considered hard stations, In terms of the memorandum No. F-1-1/99-KVS(Estt.-III )

contd...

dated 26.4.99 (Annexure-I) issued by the Respondent No.2, the applicant became eligible . Although one had to complete one year's stay as on 31.3.99 at the same Vidyalaya/station to become eligible for applying for request transfer, the applicant had been serving in Lekhapani K.V. continuously since 1988 and as such he applied for request transfer for the year 1999-2000 which was duly recommended by the Principal, Lekhapani K.V. (Annexure-II). The applicant was legitimately expecting his transfer on request to any of the three places but he was shocked and surprised when he found that he was transferred on request and posted to Tura K.V. although he never opted for Tura as one <sup>of</sup> the places for transfer on request. The applicant had virtually broken down both physically and mentally .

17) That the applicant , thereafter , on 25.11.99, submitted a detailed representation to the Respondent No.2 explaining the circumstances under which the applicant had been subjected to various hardship and praying for consideration of his posting on request to K.V., Happy valley (Shillong) as he opted for the same in his application (Annexure-II) but, surprisingly, the applicant has not received any response .

Copy of the said representation is annexed herewith and marked as Annexure-X.

18) That the applicant became a completely frustrated man when he did not receive any

contd...

*Handwritten signature/initials*

response from the Respondent No.2 . The applicant, on 24.12.99, submitted another representation to the Respondent No.2 similarly praying for consideration of his posting to K.V., Happy Valley (Shillong) or to KVS, RO, Guwahati as both the posts of U.D.C. are lying vacant till date . The applicant has not received any response in this regard till date .

On 10.2.2000 the applicant submitted another representation to the Respondent No.2 with the hope that he would get justice and fairplay in the matter but, surprisingly, nothing has been done till date .

The representations dated 24.12.99 and 10.2.2000 are annexed herewith and marked as Annexure-XI and XII respectively.

19) That the applicant has become highly aggrieved by the extremely arbitrary and capricious action of the respondent-authorities in not considering the case of the applicant for his transfer on request to the places cited in the application in order of preference for which he is otherwise eligible , he has now approached this Hon'ble Tribunal praying for relief as this is a fit case where this Hon'ble Tribunal would exercise jurisdiction and grant relief .

contd...

5 : GROUND FOR RELIEF WITH LEGAL PROVISIONS:-

I) For that an apparent mistake has crept into the transfer order on request dated 27.10.99 (Annexure-III) inasmuch as the petitioner was transferred and posted to Tura K.V. although he never opted for choice posting at Tura and as such the action of the authority is bad in law and liable to be set aside .

II) For that the applicant alongwith others who are similarly situated are eligible for consideration and transfer on request in terms of the guidelines professed in memorandum dated 26.4.99 (Annexure-I) but unfortunately all others were posted to their respective places of choice while the applicant has been meted out an extremely arbitrary and capricious treatment by transferring him to a place, i.e. Tura K.V. which he never opted in his application dated 18.5.99 (Annexure-II) and as such the action of the authorities is bad in law and liable to be set aside.

III) For that, although the applicant is liable for transfer, he is also entitled to the guaranteed protection of Articles 14 and 16 of the Constitution of India and in the instant case, the applicant has been singled out for transfer on request although he never opted for such station (Tura K.V.) while the remaining 55 (fifty five ) personnel were given stations as per their choice

contd...

and therefore , the action of the authority clearly contravenes the constitutional provisions of Articles 14 and 16 and as such the action of the authority is bad in law and liable to be struck down .

IV) For that the applicant has been staying in hard locations (Aizwal and Lekhapani) since 1984 leaving his wife and children all alone in Shillong and consequently the action of the authority has resulted in uprooting his family, causing irreparable harm to the applicant and driving the applicant to desperation and as such the action of the authority is bad in law and liable to be set aside.

v) For that the authority is required to follow the policy of transfer on request which is reasonable and fair and should apply to everybody equally and that not having been done in the case of the applicant, the action of the authority is bad in law and liable to be set aside.

VI) For that the authority has made the order on request posting malafide and in colourable exercise of powers and as such the action of the authority is bad in law and liable to be set aside .

VII) For that in any view of the matter, the action of the authority in transferring the applicant to K.V., Tura on request transfer though he never opted for such station, is bad in law and liable to be set aside .

contd...

6 : DETAILS OF THE REMEDIES EXHAUSTED :-

The applicant had filed representations to the Respondent No.2 praying for transfer on request to the places cited in the application for such transfer in order of preference but the competent authorities had not taken any remedial step till date for removing the extremely arbitrary and capricious treatment meted out to the applicant .

7 : MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :

The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them .

8 : RELIEF SOUGHT:

It is, therefore, prayed that Your Lordships would be pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why a direction/directions should not be issued to the respondent-authorities to consider and order transfer of the applicant

contd...

27/12

in terms of memorandum dated 26.4.99 issued by Respondent No.2 (Annexure-I) and the application duly submitted in prescribed format dated 18.5.99 which was duly forwarded by the Principal, K.V., Lekhapani (Annexure-II) to any of the choice places/stations ( any K.V. in Guwahati , any K.V. in Shillong and any K.V. in Tezpur ) and after perusing the causes shown, if any and hearing the parties , direct the respondent-authorities, specially respondent No.2, to consider the transfer and posting of the applicant to one of the choice stations in order of preference recorded in his application (Annexure-II) and/or pass any other order/orders as Your Lordships may deem fit and proper.

And for this act of kindness, the applicant, as in duty bound, shall ever pray .

9: INTERIM ORDER, IF ANY, PRAYED FOR :-

It is further prayed that your Lordships would also be pleased to direct the respondent-authorities not to fill up the vacancy of U.D.C. in Happy Valley K.V., Shillong till final disposal of this application .

contd...

10 : Does not arise. The application will be presented personally by the advocate of the applicant.

11: PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE APPLICATION FEE:-

I.P.O No. OG 497480 dated 14-6-2000 issued by the Guwahati Post Office payable at Guwahati is enclosed .

12: LIST OF ENCLOSURES :-

As stated in the index .

contd....

20.

VERIFICATION

I, Shri Mukut Hazarika, son of Shri Surya Ram Hazarika, aged about 40 years, resident of Village:majgaon, North Guwahati, Guwahati -781030, hereby, verify that the contents in paragraphs No.1,2,4,6,10,11,17 and 18 are true to my personal knowledge and those made in paragraphs No. 3,7,12,13,14 and 15 are believed to be true and legal advice and that I have not suppressed any material fact .

Date :- 26.6.2000.

Place:-Guwahati.

Mukul Hazarika.  
SIGNATURE .

....

-21-

ANNEXURE-I

# Kendriya Vidyalaya Sangathan

(Estt. 3 Section)

18, Institutional Area,  
Shahid Jeet Singh Marg,  
New Delhi : 110016

No. F. 1-1/99-KVS (Estt-III)

The Principals,  
All Kendriya Vidyalaya

Dated: 26-4-1999

**Subject: Annual Request Transfers in respect of Teaching & Non-Teaching staff of Kendriya Vidyalayas for the year 1999-2000 - applications - regarding.**

Sir/Madam,

Fresh applications are invited from Teaching & Non-Teaching staff of Vidyalayas (other than Principals and Vice-Principals) for effecting transfers during the year 1999-2000. Only those who would have completed one year's stay as on 31.3.99 at the same Vidyalaya/Station are eligible to apply.

## 2. Publicity

There has been general complaints that the instructions accompanying application form are not made available to the applicants. Awareness of the instructions is necessary to fill up the applications without mistake and in the correct Code(s), wherever necessary. Therefore, a set of 3 copies of this letter is being sent. One copy is meant for official use, another for library for reference of prospective applicants and the rest for display on the Vidyalaya Notice Board.

## 3. How to apply

Eligible employees desirous of seeking transfer may prefer application (in quadruplicate) in the enclosed format after carefully going through the accompanying instructions. One set of application is sufficient if all the choices are outside the region. Separate sets (one for intra and another for inter) are necessary in case the choices fall within and outside the region.

## 4. Code of Conduct regarding canvassing of non-official/outside influence.

Attention of all concerned is drawn to the provision of Article 55(27) of Education Code and Rule 20 of CCS (Conduct) Rules. The employees concerned be informed that any violation thereof shall render them liable for disciplinary action. Canvassing in any form, overt or covert, direct or indirect will automatically disqualify a teacher from being considered for transfer and his/her name will be removed from the priority list of transfer and disciplinary action will be taken against the teacher as per CCS(CCA) Rules 1964.

## 5. Format & Enclosures

The application, when reproduced, must conform to the given format both in form and content. In no case should it exceed two sides of a single foolscap paper. No enclosures are allowed with the application. An account of the pressing problems in seeking transfer can be given at Column (13), but no separate representation should be attached to the form. Medical Certificate in support of requests on Medical grounds and/or declaration regarding employment of spouse are part of the application. They should be obtained on the body of the form at page 2 itself to avoid detachment.

## 6. Endorsement

(i) The application and declaration wherever necessary must be signed by the employees himself/herself. Application endorsed by spouse, parents etc. for and on behalf of the employee is not acceptable and should not be forwarded. Medical Certificate must bear the signature of the Civil Surgeon/Chief Medical Officer.

(ii) Similarly, the forwarding note must be endorsed by the Principal after satisfying himself/herself personally of the correctness of the entries. It has been observed that the details furnished by the applicants are not subjected to proper verification before endorsing the forwarding note. Therefore, the Principals are requested to ensure correctness of the entries, particularly in columns 4, 7, 10, 12, 14, 15 & 16 of the application, so that wrong information does not affect prioritisation.

### 7. Submission of Applications

Applications of staff may be collected in quadruplicate by 20.5.99. These may be arranged as inter regional requests and forwarded in duplicate (in two lots with separate lists) to reach the Assistant Commissioner of the region concerned not later than 25.5.99. One copy may be retained in the Vidyalaya and the remaining containing Principal's endorsement returned to the employee for reference and record. Applications of employees who have not completed one year stay in the Station as on 31.3.99 should not be forwarded. Advance copies of applications or applications forwarded directly by the Principals will not be entertained in the Hq. No request for cancellation of transfer, once effected will be entertained.

### 8. Late Application

Applications received late will not be considered. The employees and Principals should, therefore, strictly adhere to the target dates in para (7) above.

Yours faithfully,



(Dr. P.K. Tiwari)  
Deputy Commissioner (Admn.)

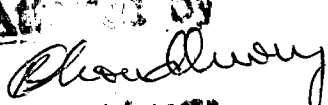
*Copy forwarded for information and necessary action to:*

1. Assistant Commissioner, all Regional Offices, Kendriya Vidyalaya Sangathan. He/She is requested to send one set of inter-regional transfer applications in accordance with the instructions contained in letter No. F. 1-1/95-KVS (Estt-III) dated 6.2.95. Last date for receipt of applications in the KVS(HQ) will be 5.6.99. Intra-regional transfer requests need not be forwarded to Sangathan HQ.

2. All Officers and Sections of KVS(HQ.) including Training Wing.



(Dr. P.K. Tiwari)  
Deputy Commissioner (Admn.)

Approved by  
  
Advocate

*Handwritten notes and signatures at the bottom of the page.*

## KENDRIYA VIDYALAYA SANGATHAN

KENDRIYA  
VIDYALAYA

LEKHAPANI

NE  
Hard Station CodeTransfer  
Type 02REGION  
CODE 19

## APPLICATION FOR TRANSFER ON REQUEST 1999-2000

(Read instructions carefully before filling up)

1. Name

MUKUT HAZARIKA

2. Date of birth

01 05 59

3. Date of appointment

04 05 84

4. Date from which posted at the  
Vidyalaya\* / Station in Present Post

23 09 88

5. Whether Male/Female JM

b. Post held

NTS

CATEGORY

7. Sub-Code

28

DIVISION

8. Grounds for Transfer

JSP

12

OGS

22

Station

Region Code

9. (a) Choice Vidyalaya\* / Station

ANY K.V. GUWAHATI

1 08

ANY K.V. SHILLONG

1 05

ANY K.V. TEZPUR

1 0

9. (b) In case you are interested in transfer to any K.V. in a particular  
Region indicate the preferences in terms of Region

Region	Code
1	0
-	-
-	-

10. Station where spouse is working

01

K.V. HAPPY VALLEY - SHILLONG

11. Have you obtained a medical certificate overleaf?

N

Please fill up  
correct Code12. Have you given the declaration regarding the  
employment and place of posting of spouse?

Y

13. Narrate the Compelling problem(s) for seeking  
transfer (in 50 word(s))

Wife and children staying at Shillong. Old ailing parents  
and sick family members staying at Guwahati. Myself  
staying alone at Lekhapani about 600 kms away.  
Year from where transferred Reason Code

14. Details of last transfer

88

K.V. DIZWAL

03

15. Type of disease certified in MC overleaf

--

Please fill up  
in Code

16. Relationship of the patient with the applicant

--

I, Shri/Smt./Kum Mukut Hazarika do hereby affirm that the information given in  
columns 01 to 16 of this application are correct and that the medical certificate/declaration given overleaf is/are  
bonafide. I understand that wrong/suppressed information shall render me liable for disciplinary action.

Place: K.V. LEKHAPANI

Date: 18-5-99

Signature

Name

Designation

MUKUT HAZARIKA  
UDC

\* Vidyalaya is Applicable only for Transfer within the station.  
Q Write 01 or Intra (within region) or 02 for inter.

-24-

32

## MEDICAL CERTIFICATE

Signature of patient \_\_\_\_\_

Address \_\_\_\_\_

I, Dr. \_\_\_\_\_

(Name & Designation)

Hospital & place) \_\_\_\_\_

after careful personal examination of the case, hereby certify that \_\_\_\_\_

(Name of the patient)

whose

signature is given above is suffering from \_\_\_\_\_

(Full medical description of the ailment in CAPITAL letters)

and that facilities for treatment

of this disease are not at all available at this station or its vicinity. It is further certified that aforesaid disease is within the parameters prescribed by the KVS at Para M.

Place: \_\_\_\_\_

Signature of the competent authority. \_\_\_\_\_

Date: \_\_\_\_\_

Designation \_\_\_\_\_

Seal of the Competent authority. \_\_\_\_\_

## DECLARATION

(Kindly fill the information in bold letters. Strike out whichever is not applicable)

I, MUKUT HAZARIKA, solemnly declare that my spouse BINAPANI HAZARIKA is presently

employed at/under orders of transfer to SHILLONG

(Place)

as HEAD CLERK in

(Designation)

K.V. HAPPY VALLEY

(Deptt./Unit./Branch)

since 21-7-97

(date)

His/Her full office address with Name and Designation of immediate superior/details

of self employment is/are as follows:

SMT P. SONI

PRINCIPAL

Name and Office/Registered Business or Professional Address of spouse

KENDRIYA VIDYALAYA

HAPPY VALLEY, SHILLONG

Name and Address of Immediate

Superior Officer or Registration No. of Business/Profession

KENDRIYA VIDYALAYA

HAPPY VALLEY, SHILLONG

Signature of the Employee MUKUT HAZARIKA

Name: \_\_\_\_\_

Designation UDC, K.V. LEKHAPANI

For Office use only in Kendriya Vidyalaya

(Strike out whichever is not applicable)

1. \* Disciplinary case is ~~pending/contemplated~~ not pending/not contemplated against Shri/Smt./Kum. MUKUT HAZARIKA
- X 2. \* The medical certificate/declaration given in the application itself is from the competent authority.
3. Certified that the details furnished by the applicant have been verified from the service records and found correct.
4. She/He was on leave/absent without pay during 1999 and is ~~still away~~ not away from duties (in SS-22 only)

Place: K.V. LEKHAPANI

Signature \_\_\_\_\_

Name of the Principal VITAY BHATNAGAR

Office Seal \_\_\_\_\_

KENDRIYA VIDYALAYA

LEKHAPANI (Assam)

Date: 18-5-99

AK 11 09

Shoudhury

KENDRIYA VIDYALAYA SANGATHAN  
( ESTT. IV SECTION )  
18, Institutional Area,  
Shanesh Jeet Singh Marg,  
NEW DELHI - 110 016.

NO.F.4-1(1)/99-KVS(E.IV)

DATED: 27-10-99

OFFICE ORDER

The transfer of the following employees are hereby ordered with immediate effect on request:-

Sl. No.	Name of the employee	From K.V.	To K.V.
1	Mr. Uday Kishora	AF Bhuj	No.4 Jhansi
2	Mr. Alaka Das	Mathon	Salboni
3	Ms. Sushmita Marandi	Mohanbari	Aligarh
4	Ms. Maya Rani	CCI Rajban	Rajokri
5	Ms. Naveen Kulshreshtha	Lansdown	Mohamadpur, Guargaon
6	Mr. Dashrath Singh Yadav	IDPL Rishikesh	Mau
7	Mr. Rishi Kumar Trivedi	No.1. Surat	Banar Jodhpur
8	Mr. Upendra Prasad Singh	BSF Hazaribagh	MEG & Centre, Bangalore
9	Mr. Sudhir Jha	Cachar Panchgram	Kiranduli
10	Mr. B. Sanil Kumar	ONGC Rajahmundry	Trissung
11	Mr. Narendra Kumar Bohra	ONGC Baroda	No.1. Suratgarh
12	Mr. Chandra Bhan Singh	AFS Chabua	Almora
13	Mr. Jagdish Prasad Verma	Dhar	Jhalawar

HEAD CLERK

1. Mr. T. Ramasamy	Donimalai	Coimbatore
2. Mr. B.L. Vijay	No.1 Kota	No.1 Udaipur

Contd...P.25/-

1 2 3 4

UPPER DIVISION CLERK

1. Mr Virendra Kumar Singh	Jalipa Cantt.	No.3 Gwalior
2. Mr Mukut Hazarika	Lekhapani	Tura
3. Mr Brijpal Singh	AFS Dadri	No.2 Roorkee
4. Mr Ramash Chandra Verma	Asansol	AMC Lucknow
5. Ms Chhanda Dutta	Kokrajhar	Chitranjan
6. Mr. P. Pichai Muthu	Karo Special	No.1 Tambram
7. Mr Arun Kumar Sinha	Azamgarh	Baliley Road Patna
8. Mr. A.K. Mitra	AMC Lucknow	DLW Varanasi
9. Mr Rajendra Kumar Goni	Hissar Cantt.	Karera
10. Mr S. Sreekantan Nair	No.2 Kasargode	Kayakulam
11. Mr Lakhan Singh	Rewari	Muradnagar
12. Mr Shaji B.	Happy Valley	Ernakulam
13. Mr Vishnu Dutt Sharma	Shillong	Palwal
14. Mr Mahendra Ram	Aligarh	Meghahatuburu
Pranjapati	Kedlanagar	Pappan Kala, Delhi
15. Mr Medan Lal Bunkar	Miran Sahib	Rihandnagar
16. Mr Dilip Kumar Singh	No.1 Raebareli	CCI Adilabad
17. Mr M. Visweswara Rao	Gail Vijaypur	

LOWER DIVISION CLERK

1. Mr P. Purushotham Reddy	Donimalai	Anantapur
2. Ms Amitha Shanmughan	Ahmedabad Cantt.	Mallapuram
3. Ms Ashpinder Kaur	No.4 Delhi Cantt.	No.2 Jalandhar
4. Mr Krishna Gopal Sharma	ONGC Agartala	Bagiganj
5. Mr Gobardhan Singh	Keylanagar	CRPF Durgapur
6. Mr Brajesh Kumar Singh	Tatanagar	FEC Ranchi
7. Mr K. Tirumala Rao	ONGC Baroda	Guntur
8. Mr Manoj Kumar Shinde	No.2 Gwalior	No.2 Sagar
9. Mr Rudra Pal Singh	Karera	No.1 HBK Dehradun
Parihar		
10. Mr Mirnal Kantideo	Dhulchera	AFS Barrackpur
11. Mr Samirah Bar	Brijrajnagar	Salboni
12. Mr Girraj Kishore	Rajouri	Mohammadpur,
		Gurgaon
13. Mr P. Bhima Rao	MCL Dera	Srikakulam
14. Mr D.S. Srinivas	ARC Charbatia	No.2 Vijaywada
15. Mr Sripati Ganeshwar Rao	NAD Sunabeda	CCI Adilabad
16. Mr S.B. Kumar	Malleswaram	Pattom

1

2

3

4

LAB. ATDT.

1. Mr Ramcharan	Singhrauli	Manauri Allahabad
2. Mr Nipen Chandra Das	Masimpur	Borjhar, Guwahati
3. Mr Durlabh Prasad Tanti	Giddi-A	OF Bolangir
4. Mr Harpal Singh	Nehu Shillong	No.2 Halwara
5. Mr Ram Shankar Mandal	Lebong	Garhara
6. Mr Chander Vibhore	Clement Town	Karnal
7. Mr Kshitish Chandra Baidya	No.2 Ishapore	No.1 Port Blair
8. Mr Bhabendra Nath Sharma	Doom Dooma	Umroi Cantt.

( Fifty Six Cases Only)

( S.B. CHATURVEDI )  
DY. COMMISSIONER (ACAD.)

Copy to:-

- 1- Individual concerned. employees
- 2- The Principal of KV where the teacher under orders of transfer is currently posted should relieve the employee concerned from the Vidyalaya immediately but in any case not later than 15 days of issue of this order. In case he/she is not relieved by the stipulated date, he/she shall be deemed to have been relieved of his/her duties with effect from the above date and no pay and allowances shall be drawn. It is the personal responsibility of the Principal to inform the Sangathan immediately regarding relieving/joining of the candidate. Any lapse/failure on the part of the principal in the regard would be viewed seriously.
- 3- The Principal where the teacher is going to join on transfer is requested to intimate the date of joining of the transferred employee in the vidyalaya to this office.
- 4- The Asstt. Commissioner, KVS, RO, Concerned.
- 5- Guard File.

( L.N. NAGPAL )  
SECTION OFFICER

Attested by  
*[Signature]*  
Attested

To

The Deputy Commissioner (ACAD),  
Kendriya Vidyalaya Sangathan,  
New Delhi.

(Through the Principal, KV, Lekhapani)

SUB: Request for modification in the request transfer order of UDCs - Regarding.

REF: KVS, New Delhi Transfer Order No. F.4-1(1)/99-  
KVS(E.IV) dated 27-10-99

Respected Sir,

Most respectfully I beg to state the following few lines for your favourable consideration and necessary action please.

Sir, With reference to the above mentioned transfer order, I am to state that this year I applied for transfer to (1) Guwahati (2) Shillong (3) Tezpur on spouse ground. But I have been transferred to Kendriya Vidyalaya, Tura. Tura is not my choice station and it is very far from the stations for which I had applied. It is more than 400 km from Shillong. My home town is Guwahati and my wife's service station is Shillong.

Sir, since last 15 years I have been staying very far away from my home town and from my family, before working at K.V, Lekhapani, I worked at K.V, Aizwal (Mizoram) which is also very far from my home town. As per above referred transfer order, the post of UDC at K.V, Happy Valley (Shillong) is being vacated. Even then I have not been given transfer to K.V, Happy Valley (Shillong). In the priority list of UDCs my name is placed in No.1.

Sir, my wife also is in much trouble since she is staying alone at Shillong with our small child.

You are therefore co-ordially requested to modify my transfer order and transfer me to K.V, Happy Valley (Shillong) on spouse ground and oblige.

Thanking you,

Yours faithfully,

Date: 9-11-99

( MUKUT HAZARIKA )  
U.D.C,  
K.V, LEKHAPANI.

Encl: Copy of transfer order  
of UDCs.

Forwarded to D.C (ACAD)  
KVS, N. Delhi for kind  
consideration please.

*Md*  
KENDRIYA VIDYALAYA  
SANGATHAN  
LEKHAPANI

Attested by

*Shankar*  
A/Secy

NO. F.A-6/KVL/99-2000/160 dt. 9-11-99

विद्यालय

तिनसुकिया (असम)

पिन-786180



Tele :

Kendriya Vidyalaya

LEKHAPANI

Distt. Tinsukia (Assam)

PIN - 786180

NO. F.A-5/KV-1/99-2000/157-159

Date: 07-11-99

To  
The Deputy Commissioner (A.S.),  
Kendriya Vidyalaya Sangathan,  
New Delhi.

SUB: Transfer - Reg.

Sir,

With reference to your Transfer Order No. F.4-1(1)/99-KVS (L.IV) dated 27-10-99, Mr. Mukut Hazarika, UDC of this Vidyalaya has been transferred to Kendriya Vidyalaya, Tura. But he has submitted one written statement to this office that K.V. Tura is not his choice place and requested me to not to relieve him from this Vidyalaya. So at present I am not relieve him. This is for your kind information and further guidance please.

Thanking you,

Yours faithfully,

( B N PAUL )  
P.G.T. (MATHS),  
OFFG PRINCIPAL

Copy to:

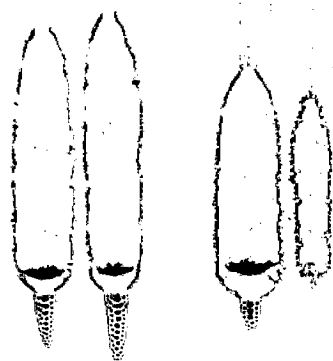
- 1) The Asstt. Commissioner,  
KVS, P.O. Silchar for info. please.
- 2) The Principal,  
Kendriya Vidyalaya, Tura  
for info. please.

( B N PAUL )  
P.G.T. (MATHS )  
OFFG PRINCIPAL

Attested by

*Phondhury*

ADVOCATE



বিদ্যালয়

তিনসুকিয়া (অসম)

786180



Tele

Kendriya Vidyalaya

LEKHAPANI

Distt. Tinsukia (Assam)

PIN - 786180

No.F.A-6/KVL/99-2000/174

Date 17-11-99

RELIEVING ORDER

In response to transfer order No.F.4-1(1)/99-KVS(E.IV) dt. 27-10-99 issued by KVS,Hqrs, New Delhi, Shri Mukut Hazarika, UDC is hereby relieved from this Vidyalaya in the A.N. of 17-11-99 with the direction to report to the Principal, Kendriya Vidyalaya, Tura. His service book & personal file will be sent later on.

To  
Sri Mukut Hazarika,  
UDC,  
KV, Lekhapani.

Copy to:

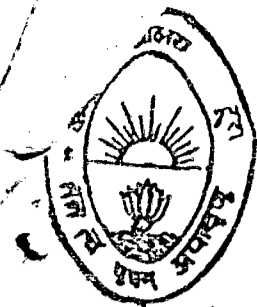
- 1) The Deputy Commissioner, (ACAD),  
KVS, New Delhi.
- 2) The Assistant Commissioner,  
KVS, R.O, Silchar/Guwahati.
- 3) The Principal,  
Kendriya Vidyalaya,  
Tura.
- 4) Personal file of Sri M. Hazarika.
- 5) Guard file

( B N PAUL )  
OFFG PRINCIPAL  
KENDRIYA VIDYALAYA  
LEKHAPANI  
TINSUKIA

( B N PAUL )  
OFFG PRINCIPAL

Attested by

*Prasanna*  
Advocate



-31-

ANNEXURE - VII

22452

केन्द्रीय विद्यालय, टूरा  
KENDRIYA VIDYALAYA  
P.O. ARAIMILE, TURA, WEST GARO HILLS,  
MEGHALAYA-794001

संदर्भ क्र०

Ref. No. 9-1/KVT/99-2000/1150-1151

दिनांक

Dated 22-11-99

C E R T I F I C A T E

This is to certify that as per KVS(HQ) New Delhi transfer order No. F.4-1(1)/99-KVS(E.IV), dated 27-10-99 and K.V.Lekhapani letter No.A-6/KVL/99-2000/178, dated 17-11-99, Shri Mukut Hazarika, UDC reported to this vidyalaya in the forenoon of 22-11-99 for joining his duty in KV/Tura on request transfer from K.V.Lekhapani.

Since, the post of UDC is not vacant consequent upon joining of Shri J.Hussian, UDC vide letter No. F.4-1(13)/99-KVS(E.IV), dated 13-10-99 in the month of Oct'99.

Hence, Shri Mukut Hazarika is hereby directed to report to the Assistant Commissioner, Guwahati Region for farther necessary action.

To,

Shri Mukut Hazarika,  
U. D. C.

Copy to :-

1. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan  
Guwahati Regional Office,  
Guwahati-12.

(MRS. A. HAZARIKA)

PRINCIPAL  
Principal/प्रधान

Kendriya Vidyalaya/केन्द्रीय विद्यालय

Tura / टूरा  
Meghalaya/मेघालय

PRINCIPAL  
KENDRIYA VIDYALAYA TURA

Witnessed by

*Shoudhury*  
Advocate

दूरभाष / Phone : 571797, 571798  
Fax : 571799



# केन्द्रीय विद्यालय संगठन KENDRIYA VIDYALAYA SANGATHAN

क्षेत्रीय कार्यालय  
मालीगौब चारियाली  
गुवाहाटी : 781 012

Regional Office  
Maligaon Chariali  
Guwahati : 781 012

पत्रांक :  
No. F. : 10-3/99-KVS(GR)/7839-42

दिनांक :  
Dated : 24/11/99

## OFFICE ORDER

Refer to the certificate No.F.9-1/KVT/99-2000/1150-1151 dated 22/11/99 from Principal, KV Tura the Transfer Order No.F.4-1(1)/99-KVS(E.IV) dated 27/10/99, Transferring Sh. Mukut Hazarika, UDC KV Lekhapani to KV Tura has been cancelled vide KVS(HQ) office order No.4-1(1)/99-KVS(E.IV) dated 17/11/99 (copy enclosed).

Shri Mukut Hazarika, UDC is hereby directed to report to the Principal KV Lekhapani immediately.

*Rakesh Sharma*  
(RAKESH SHARMA)  
ADMINISTRATIVE OFFICER

Copy to :

1. Sh. Mukut Hazarika, UDC
2. The Principal, KV, Lekhapani
3. The Asstt. Commissioner, KVS, RO, Silchar
4. The Dy. Commissioner, KVS, New Delhi - 16.

Attested by  
*Bhadracharya*  
Advocate

K. V. VIDYALAYA SAMITHAN  
( DIST. IV SECTION )

18 - Institutional Area,  
Shaheed Jeeb Singh Marg,  
NEW DELHI - 110 016.

NO.F. 4-1(1)/99-KVS(E.IV)

DATED: 17/11/99

OFFICE ORDER

The transfer in respect of under mentioned employees ordered vide this office transfer order of even number dated 27.10.99 is hereby cancelled.

Sl. No. Name of the employee  
With Designation

Transferred  
From K.V. To K.V.

1. Sh. Mukut Hazarika, UDC  
(One case only)

Lekhapani Tura

*S.B. Chaturvedi*  
(S.B. CHATURVEDI)  
DY. COMMISSIONER (ACAD.)

Copy to:-

- 1- Individual concerned.
- 2- The Principal, KV, concerned.
- 3- The Asstt. Commissioner, KVS, RO, Guwahati.
- 4- Guard file.

Received on 24-11-99 from  
Administrative Officer, KVS,  
R.O, Guwahati.

*24/11/99*

Noted by  
*Shoudhury*  
Advocate

To

The Deputy Commissioner (ACAD) ?  
Kendriya Vidyalaya Sangathan,  
New Delhi.

SUB: Request for transfer from Kendriya Vidyalaya,  
Tura to Kendriya Vidyalaya, Happy Valley (Shillong).  
REF: K.V. New Delhi Transfer Order No. F.4-1(1)/99-  
KVS(E.IV) dt. 27-10-99.

Respected Sir,

Most respectfully, I beg to state the following  
few lines for your favourable consideration and necessary  
action please.

Sir, with reference to the above mentioned  
transfer order, I am to state that this year I applied for  
transfer to (1) Guwahati (2) Shillong (3) Tezpur on spouse  
ground, but I have been transferred to Kendriya Vidyalaya,  
Tura. However as per Kendriya Vidyalaya, Lekhapani letter No.  
F.A-5/KVL/99-2000/174 dt. 17-11-99, I have been relieved and I  
proceeded to join at Kendriya Vidyalaya, Tura accordingly and  
reported to Principal, K.V. Tura on 22-11-99. But Principal,  
K.V. Tura has informed me that vide K.V.S. New Delhi Transfer  
Order No. F.4-1(13)/99-KVS(E.IV) dt. 13-10-99, Mr J. Hussain has  
joined as UDC on 30-10-99, so I could not joined there. Again  
Principal, K.V. Tura has directed me to report to Assistant  
Commissioner, KVS, Guwahati Region vide certificate No. 9-1/KVT/  
99-2000/1150-1151 dt. 22-11-99 (copy enclosed) for further  
necessary action. In response to the certificate of Principal,  
K.V. Tura, I reported to the Adm Officer, KVS, R.O. Guwahati on  
24-11-99. In this regard, Adm. Officer, KVS, R.O. Guwahati has  
handed over me KVS, New Delhi letter No. F.4-1(1)/99-KVS(E.IV)  
dt. 17-11-99 (copy enclosed) regarding cancellation of my  
transfer and directed me vide letter No. F.10-3/99-KVS(CR)/  
7839-42 dt. 24-11-99 (copy enclosed) to report K.V. Lekhapani.

Sir, last 15 years, I have been staying very far  
away from my home town and my family and my wife also is in  
much trouble since she is staying alone at Shillong with our  
small child and the post of UDC at K.V. Happy Valley (Shillong)  
is lying vacant.

You are therefore cordially requested to  
transfer me to K.V. Happy Valley (Shillong) on spouse ground.  
I shall be grateful to you for act of your kindness.

Thanking you,

Yours faithfully,

25/11/99  
( MUKUT HAZARIKA )  
U.D.C.,  
K.V. LEKHAPANI.

Copy to: The Asstt. Commissioner,  
KVS, R.O. Silchar/Guwahati  
for info. please.

My correspondence address

c/o. Sh. Rupamkumar Hazarika,  
Head clerk,  
K.V. Maligaon  
Guwahati - 781011.

Attested by

Shondhury  
Advocate

To  
The Commissioner,  
Kendriya Vidyalaya Sangathan,  
New Delhi.

SUB: Modification of request transfer - Reg.  
REF: KVS, New Delhi Transfer Order No.F.4-1(1)/99-  
KVS(E.IV) dt. 27-10-99.

Honourable Sir,

Most respectfully I beg to state the following few lines regarding my transfer for your favourable consideration and necessary action please.

Sir, I had been working as UDC at Kendriya Vidyalaya, Lekhapani since 1988. This year I applied for transfer to (1) Guwahati (2) Shillong (3) Tezpur. But I have been transferred to K.V. Tura vide above mentioned order which is not my choice station. Even then the Principal, KV, Lekhapani relieved me on 17-11-99 to join at KV, Tura (copy enclosed). Accordingly I reported to the Principal, KV, Tura on 22-11-99. The Principal, KV, Tura informed me that vide KVS, New Delhi transfer order No.F.4-1(13)/99-KVS(E.IV) dt. 13-10-99 Mr J. Hussain already joined as UDC in that vidyalaya on 30-10-99. So I could not join there. The Principal KV, Tura directed me to report to the Assistant Commissioner, KVS, (GR) and issued a certificate regarding the joining of the UDC at that Vidyalaya (copy enclosed). In response to the certificate of the Principal, KV, Tura, I reported to the Offg Assistant Commissioner, KVS (GR) on 24-11-99. The Assistant Commissioner, KVS, (GR) directed me to join again at KV, Lekhapani. In spite of the post of UDC at KV, Happy Valley (Shillong) is lying vacant, I am not given transfer to that vidyalaya. Sir, I am not willing to join at KV, Lekhapani as I had already been relieved from Lekhapani. So I sent a representation to the Deputy Commissioner (Acad), KVS, New Delhi on 25-11-99 to modify the transfer order and transfer me to KV, Happy Valley (Shillong) in place of KV, Tura (copy enclosed). But no instructions have been received so far.

Sir, since the post of UDC at KV, Happy Valley (Shillong) and KVS, RO, Guwahati are lying ~~xxxx~~ vacant, you are cordially requested to transfer me to KV, Happy Valley (Shillong) or to KVS, Regional Office, Guwahati on spouse ground as my wife is working at KV, Happy Valley and my home town is Guwahati.

I shall be evergrateful to you for this act of kindness.

Thanking you,

Yours faithfully,

*Deek: 24.12.99*  
My correspondence address

C/O Sri RUPANKUR HAZARIKA,  
Head Clerk,  
Kendriya Vidyalaya, Maligaon,  
PIN-781011. (GUWAHATI)

( MUKUL HAZARIKA )  
U.D.C.

Attested by

*Blondhway*  
Advocate

Deputy Commissioner(ACAD),  
Kendriya Vidyalaya Sangathan,  
New Delhi.

SUB: Modification of request transfer - Reg.  
REF: KVS, New Delhi Transfer Order No.F.4-1(1)/99-KVS  
(E.IV) dt.27-10-99.

Honourable Sir,

Most respectfully I beg to state the following few lines regarding my transfer for your favourable consideration and necessary action please.

Sir, I had been working as UDC at Kendriya Vidyalaya, Lekhapani since 1988. This year I applied for transfer to (1) Guwahati (2) Shillong (3) Tezpur. But I have been transferred to K.V, Tura vide above mentioned order which is not my choice station. In this regard, I sent one representation on 9-11-99 through the Principal, KV, Lekhapani to your good office for modification of my transfer order (copy enclosed). Before I getting any response from your office again Principal, K.V, Lekhapani received letter No. F.2-19/KVS(SR)/98-99/ dt.10-11-99 from A.C, KVS, Silchar Region (copy enclosed) and relieved me by force on 17-11-99 to join at K.V, Tura (copy enclosed). Accordingly I reported to the Principal, K.V, Tura on 22-11-99. The Principal, KV, Tura informed me that vide KVS, New Delhi transfer order No.F.4-1(15)/99-KVS(E.IV) dt. 13-10-99 Mr J.Hussain already joined as UDC in that vidyalaya on 30-10-99. So I could not join there. The Principal, KV, Tura directed me to report to the Asstt. Commissioner, KVS, GR and issued a certificate regarding the joining of the UDC (copy enclosed). In response to the certificate of the Principal, KV, Tura, I reported to the Offg. Assistant Commissioner, KVS, GR on 24-11-99. The Asstt. Commissioner, KVS, GR directed me to join again at KV, Lekhapani. In spite of the post of UDC at KV, Happy Valley (Shillong) is lying vacant, I am not given transfer to that vidyalaya. Sir I am not willing to join at KV, Lekhapani as I had already been relieved from Lekhapani. So I sent a representation on 25-11-99 and on 24-12-99 to your good office to modify the transfer order and transfer me to KV, Happy Valley in place of KV, Tura (copy enclosed). But no instructions have been received so far.

Sir since the post of UDC at KV, Happy valley (Shillong) and KVS, R.O, Guwahati are lying vacant, you are cordially requested to transfer me to KV, Happy Valley (Shillong) or to KVS, Regional Office, Guwahati on spouse ground as my wife is working at KV, Happy Valley and my home town is Guwahati.

I shall be evergrateful to you for this act of kindness.

Thanking you,

Yours faithfully,

( MUKUT HAZARIKA )  
U.D.C.

Date : 10-2-2000

My correspondence address

C/O Sri RUPANKUR HAZARIKA,  
Head Clerk,  
Kendriya Vidyalaya, Maligaon,  
PIN-781011 (GUWAHATI ).

Attested by

*Bhadracharya*  
Advocate