

100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH:GUWAHATI:5

ORIGINAL APPLICATION NO. 432/2000

... Mr. Pradip Kali Applicant.

VERSUS

Union of India & Ors Respondents.

For the Applicant(s) Mr. B. K. Sharma

" S. Sarma

" U. K. Goswami

For the Respondents. Dr. B. P. Todi...
Adv. KVS

NOTES OF THE REGISTRY
This application is in form
but not in the correct format
Petition No. 432/2000
M.P. No.
for Rs. 5/- S-03936
IPO/DD No.
Dated..... 20.11.2000
W. D. Register 3/12/2000

DATE

ORDER

14.12.00 Present: The Hon'ble Mr D.N.Chowdhury, Vice-Chairman.
The Hon'ble Mr M.P.Singh, Administrative Member.

One more familiar issue relating to transfer and posting of the applicant who is now working as UDC in Kendriya Vidyalaya, Maligaon under the respondents has been transferred to Nirjuli at Arunachal Pradesh. The applicant has raised numerous grounds challenging the transfer order. One such grounds is relating to his right to be considered for posting under the scheme of posting husband and wife at the same station. Mr S. Sarma, learned counsel appearing for the applicant referred to the Office Memorandum No.28034/7/86-Estt(A) dated 3.4.86, which is subsequently amended in 12th June, 1997. Also heard Dr B.P.Todi, learned counsel for KVS.

Since the matter relates to the area of administration, we are of the view that ends of justice will be met if a direction is issued to the applicant to make an appropriate representation before the concerned authority narrating his grievances within a week from today. If such represen-

by
13.12.00


S. Sarma

✓

14.12.00 -tation is made, the respondents shall consider the same as per the departmental guidelines and pass ~~necessary~~ ^{reasonable} orders thereon, as expeditiously ~~as~~ possible. Till the aforementioned exercise is completed, the impugned order of transfer dated 4.12.2000 pertaining to the applicant transferring him from Maligaon to Nirjuli shall remain ~~suspended~~ suspended.

With the above direction the application is disposed of. There shall however, be no order as to costs.

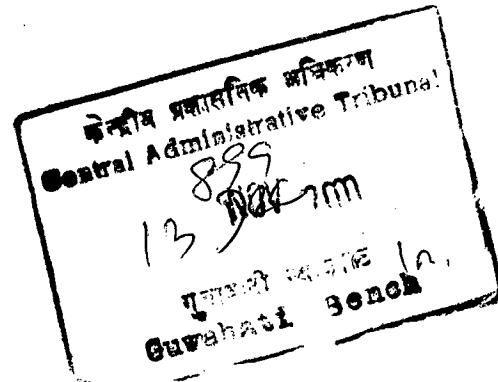


Member (A)



Vice-Chairman

pg



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

OA No. 432/2009

BETWEEN

Shri Pradip Kalita.

... Applicants

- VERSUS -

Union of India & Ors.

... Respondents

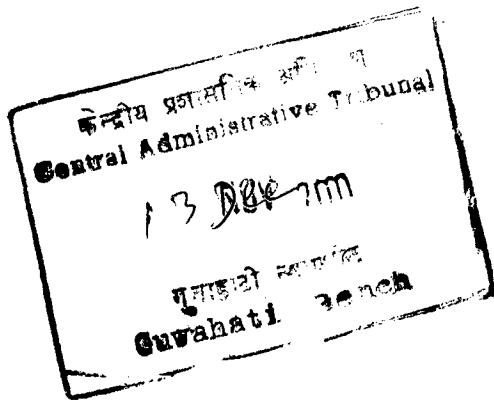
I N D E X

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Filed by :

Ukgoran
Advocate

File : WS4\SSN\PRADIP



THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

D.A. No. 432 of 2000

BETWEEN

Shri Pradip Kalita,
Upper Division Clerk,
Kendriya Vidyalaya Maligaon,
Guwahati.

... Applicant

AND

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Human Resource, development Central Secretariat, New Delhi-1,
2. The Chairman Kendriya Vidyalaya Sangathan, Nehru House, Bahadur Shah Zafar Marg, New Delhi.
3. The Commissioner Kendriya Vidyalaya Sangathan, JNS Campus, New Delhi,
4. The Deputy Commissioner, (Academy), Kendriya Vidyalaya Sangathan, Sahid Jeet Singh Marg, New Delhi-16.
5. The Asstt. Commissioner Kendriya Vidyalaya Sangathan, Guwahati Region, Maligaon Guwahati-12.
6. The Principal, Kendriya Vidyalaya Maligaon, Guwahati-12.

... Respondents

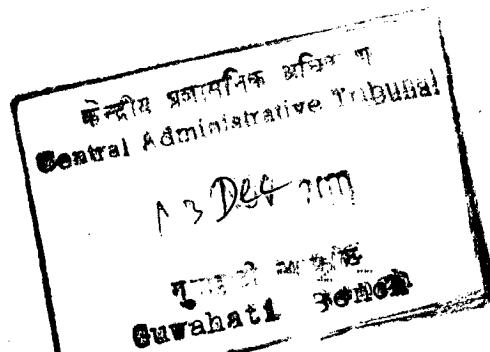
DETAILS OF APPLICATION

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

The present application is directed against the order of transfer of the Applicant as ordered by the

P. Kalita

Filed by :
the Applicant
through
Mijal kr. Gorai
Advocate
13/12/2000



Respondents under order No. F.12-1 (DT)/2000-KVS (E:IV) dated 4.12.2000 (Annexure-) transferring the Applicant from Guwahati to Nirjuli (Arunachal Pradesh)

2. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The Applicant further declares that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1995.

4. FACTS OF THE CASE :

4.1 That the Applicant is a citizen of India and as such he is entitled to all the rights and privileges as guaranteed under the Constitution of India.

4.2 That the Applicant is aggrieved by the impugned order dated 4.12.00 by which he has been transferred from Guwahati to Nirjuli (Arunachal Pradesh). The said order has been issued by the respondents without considering the representation filed by the applicant prior to the issuance of the said order of transfer. It is noteworthy to mention here that the applicant prior to issuance of the aforesaid order of transfer dated 4.12.00 the applicant was constrained to move the

P. Kalita

13 Dec -

Guwahati Bench

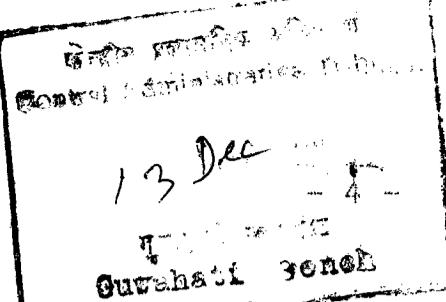
- 3 -

Hon'ble Guwahati High Court by way of filing Civil Rule No. 4019/97 in respect of his promotion to the post of UDC from LDC. The Hon'ble High Court was please to disposed of the case with a direction to consider the case of the applicant for promotion to the post of UDC within a period of 4 weeks vide its order dated 28.8.97. Pursuant to the said order of the Hon'ble High Court, the respondents have issued an order vide No F.4-20(3)/96-KVS/E.IV/Vol. II dated 27.10.97 promoting the applicant to the post of UDC. In the mean time, the applicant made a representation to the respondent No 4 with a prayer not to disturb his present place of posting highlighting his difficulties including the service of his wife as well as the academic session of his son. But ignoring the aforesaid factual position the respondents have issued the aforesaid impugned order dated 4.12.00. The said order of transfer is yet to be formally served on the applicant. The applicant immediately having come to know about the said order dated 4.12.2000 made a representation to the respondents praying for modification of the said order of transfer. But the same is yet to disposed of by the respondents.

This is the crux of the matter for which the applicant has come under the protective hands of this Hon'ble Tribunal seeking appropriate relief.

4.3 That the applicant is presently working as an UDC under the respondents. He being aggrieved by the action of the respondents for non-consideration of his case

P. Kalita



for promotion to the post of UDC, was constrained to move the Hon'ble High Court by way of filing Civil Rule No 4019 of 1997. The said Civil Rule was disposed of by the Hon'ble High Court by Its judgement and order dated 28.7.97 directing the respondents to consider his case for such promotion to the post of UDC, fixing a time limit of 4 weeks.

A copy of the said Judgement and order dated 28.8.97 is annexed herewith and marked as **ANNEXURE-1.**

4.4. That the applicant pursuant to the aforesaid Judgement and order dated 28.8.97 passed by the Hon'ble High Court the respondents promoted the applicant to the post of UDC vide its order vide No F.4-28(3)/96-KVS/E.IV/Vol. II dated 27.10.97 and he assume duty on the same day as UDC. The case of the applicant before the Hon'ble High Court was that on promotion he was posted out side Guwahati and for that reason he had to forgo the said promotion at the first instance due to certain personal reasons. But in the Civil Rule the applicant prayed for his adjustment in the said promotional post (i.e. UDC) within Guwahati. It is pertinent to mention here that in the civil rule the applicant pointed out the fact about the service of her wife ,who is an employee of the Pragjyotish Gaolian Bank, Dharapur, Guwahati and the Hon'ble High Court was please to disposed of the matter considering the case of the applicant in the vacant post as pointed out by

P. Kalita

the applicant. The respondents considering the case of the petitioner adjusted him in the Kendriya Vidyalaya Maligaon, Guwahati, as UDC.

A copy of the joining report dated 27.10.97 is annexed here with and marked as ANNEXURE-2.

4.5 That pursuant to the aforesaid order of promotion dated 27.10.97, the Applicant took charge of the post of UDC, Kendriya vidyalaya, Maligaon, Guwahati. In the mean time the applicant made several representations stating therein the service of his wife and his 8 years old son who is studying at class-2 and with a prayer, not to transfer him out side Guwahati.

Copies of the representations dated 6.12.99 and 20.12.99 are annexed herewith and marked as ANNEXURE-3 & 4 respectively.

4.6 That the applicants apart from the above representations made verbal requests to the authority concerned about his difficulties with a prayer not to disturb his service by way of transfer on the ground that his wife is an employees of Pragjyotish Gaolian Bank, Dharapur Branch, Guwahati. On the other hand the only son of the applicant is about 8 years old. In this connection mention may be made of the recommendation of 5th Central Pay Commission wherein it has been categorically stated about the posting of husband and wife in a same station using the expression "shall".

The Applicant craves leave of this Hon'ble

P. Kalita

Tribunal to rely and refer upon the said 5th Central Pay Commission recommendation at the time of hearing of this case.

4.7 That the Respondents without considering his such representation issued an order vide No. F.12-1 (DT)/2000-KVS(E):IV dated 4.12.2000 transferring the Applicant from Maligaon to Nirjuli in the same capacity as UDC. It is pertinent to mention here that the

केन्द्रीय प्रशासनिक अदायक विभाग
Central Administrative Tribunal
Applicant being a low paid employee should not have been transferred.

13 Dec 2000

मुख्य विभाग
Guwahati Bench

A copy of the order dated 4.12.2000 is annexed herewith and marked as Annexure-5.

4.8 That the Applicant states that since he is on leave on medical ground therefore the said order dated 4.12.2000 is yet to be served on him officially. The Applicant on enquiry could come to know from a reliable source that the said transfer has been issued acting on a request made by one UDC working in the Kendriya Vidyalaya, Amerigaon, Guwahati for his transfer to Maligaon i.e. the place of posting of the Applicant.

4.9 That the Applicant highlighting his grievances made a representation on 11.12.2000 to the concerned authority for cancellation/modification of the order dated 4.12.2000.

A copy of the representation dated 11.12.2000 is annexed herewith and marked as Annexure-6.

4.10 That the Applicant begs to state that the

P. Kalita

General Administration

13 Dec 1998

गुवाहाटी न्यायालय
Guwahati Bench

impugned order dated 4.12.2000 although have been issued in public interest, in fact the said order have been issued pursuant to a request made by the incumbent working in the Kendriya Vidyalaya, CRPF Amerigaon, Guwahati.

4.11 That the Applicant begs to state that presently his wife is working as a cashier, Pragjyotish Gaolian Bank, Dharapur Branch, Guwahati. The son of the Applicant Shri Bhaskardeep Kalita is presently studying in Class II in the St. Vibekananda English Academy, Maligaon, Guwahati and he is aged about 7 years. It is therefore the Applicant further begs to state that in view of the recommendation made by the 5th Central Pay Commission, the Respondent ought not to have issued the order of transfer more so when the fact has already been narrated by the Applicant through his earlier representations.

4.12 That the Applicant begs to state that under the Respondents certain guidelines have been maintained, regarding transfer and posting mention of which has been made in the impugned order dated 4.12.2000. As per the said transfer guidelines maintained by the Kendriya Vidyalaya Sangathan the incumbent having worked less than 5 years of service should not be transferred. But in the instant case the Respondents have violated their own guideline and hence the impugned order cannot sustain in the eye of law.

4.13 That the Applicant begs to state that prior to

P. Kalita

केन्द्रीय प्रशासनिक अदायकाल
Central Administrative Tribunal

13 NOV 2000

मुख्य अधिकारी
Guwahati

issuance of the impugned order dated 4.12.00, the respondents issued an order dated 17.10.00 transferring some similarly situated employees like that of the applicants, namely one Sri B.K. Das, but till date he has not been released from his present place of posting i.e., Maligaon on his own request. However, the respondents till date has not yet disposed of the representation filed by the applicant and pending disposal of his such representation issued the order of transfer without any prior intimation to him.

4.14. That the applicant begs to state that the respondents have issued the order of transfer without applying their mind as well the various guidelines issued by the Govt. of India and hence the said order dated 4.12.00 is not sustainable in the eye of law.

4.15. That the applicant begs to state that the applicant being a low paid employee, the respondents ought not to have issued the order of transfer dated 4.12.00 which is violative of the various guidelines of the Govt. of India and hence the said order is not sustainable in the eye of law and liable to be set aside and quashed.

4.16. That the applicant begs to state that respondents have maintained certain transfer guidelines for transfer and posting and in the said transfer and posting guidelines there has been specific mention regarding safeguards to the low paid employees like that of the applicant. On the other hand the applicant

P. Kalita

19 Dec 2000

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गुवाहाटी बैच
Guwahati Bench

being situated in the middle of the gradation list and there being sufficient seniors and juniors, hence the action of the respondents in issuing the impugned order dated 4.12.00 picking the applicant is illegal and liable to be set aside and quashed.

4.17 That the Applicant begs to state that till date the Applicant has not been issued with the order of transfer formally but he apprehends that at any moment the Respondents issued the said order of transfer formally to him along with the release order without first considering his representation. It is in view of this facts, the Applicant prays before this Hon'ble Tribunal for an appropriate interim order directing the Respondents not to give effect the order of transfer dated 4.12.2000 during the pendency of this OA. As stated above the Applicant is yet to be served with the copy of the order dated 4.12.2000 formally as well as till date no release has also been issued to the Applicant. On the other hand till date atleast number of posts are vacant. Therefore there will be no difficulties for the Respondents to accommodate the Applicant. The order of transfer has been issued violating the various guidelines issued by the Ministry concerned and hence it is a fit case for granting interim order directing the Respondents not to give effect the operation of the impugned order dated 4.12.2000 till date disposal of this OA. In the event if the interim prayer is not granted, the Applicant will suffer irreparable loss and injury.

P.Kalita

4.18 That this application has been made bonafide and for securing the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the action of the respondents in not considering the representation of the Applicant before issuance of the impugned order dated 4.12.2000 is illegal and arbitrary and hence the impugned order is liable to be set aside and quashed.

13 Dec 2000

Guwahati Bench

5.2 For that the impugned order dated 4.12.2000 having been issued in gross violation of various guidelines issued by the Ministry concerned and so also the principles of natural justice, same is liable to be set aside.

5.3 For that the wife of the Applicant being an employee of a recognised Bank at Guwahati and his son being a minor, the guideline issued by the 5th Central pay Commission covers the case of the Applicant and issuance of the impugned order dated 4.12.2000 is per se illegal and liable to be set aside and quashed holding the same being violative of above recommendation.

5.4 For that the impugned order being violative of Article 14 and 16 of the Constitution of India, same is not sustainable and liable to be set aside

5.5 For that there being a statutory provision of the Kendriya Vidyalaya Sangathan regarding transfer and

P. Kalita

posting of the employees and the Applicant since has not complete yet 5 years service in his present place of posting, the Respondents ought not to have issued the impugned order more so when the facts were made clear to the Respondents.

5.6. For that the Respondents have acted illegally in issuing the order although stated to be issued in the interest of public but in fact same has been issued in the behest of some vested interest circle and hence same are liable to be set aside and quashed.

5.7 For that there being so many senior as well as junior officers presently working in the Guwahati Region, the Respondents ought not to have picked the Applicant without any basis more so when his case is pending consideration before the higher authority.

5.8 For that in any view of the matter the impugned order is not sustainable and the Applicant is entitled to the reliefs sought for in this OA.

13 Dec 77m
Guwahati
Guwahati Bench

The Applicant craves leave of this Hon'ble Tribunal to advance more grounds both factual as well as legal at the time of hearing of this case.

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicant declares that he has no other alternative and efficacious remedy except by way of filing this application.

P. Kalita

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them. The Applicant had earlier filed a writ petition being WP(C) No. 3611/2000 in the Gauhati High Court and the same has been withdrawn 22.9.2000 with liberty to approach

~~केन्द्रीय प्रशासन के~~ the Hon'ble Tribunal. Thus this DA.

~~Central Administrative T. BUREAU~~

13 Dec 2000 8. RELIEFS SOUGHT FOR :

~~ज्ञानेश्वर सर्कार~~ Under the facts and circumstances stated above, ~~Guwahati Bench~~ the Applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

8.1 To set aside and quash the Annexure-5 order dated 04.12.00 with all consequential benefits and to allow the applicant to continue in his present place of posting or any place in Guwahati in the light of aforesaid transfer guidelines.

8.2 Cost of the application.

8.3 Any other relief/reliefs to which the Applicant is entitled to and as may be deemed fit and proper by

P. Kalita

the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of the OA the impugned order dated 4.12.00 (Annexure-5) may be suspended directing the Respondents to allow the Applicant to continue in his present place of posting.

10.

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

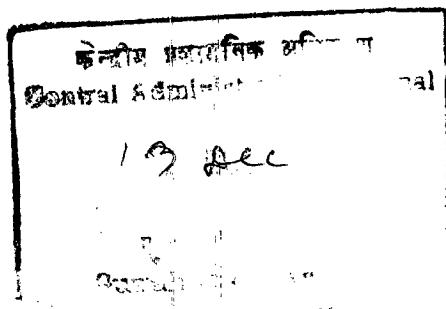
i) I.P.O. No. : 26 503936

ii) Date : 13/12/2000

iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.



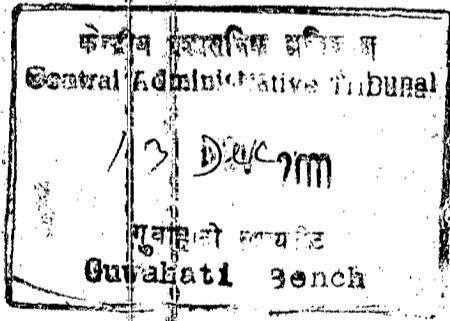
P. Kalita

VERIFICATION

I, Shri Pradip Kalita, aged about 40 years, son of Sri Rabi Ram Kalita, resident of West Gotanagar Maligaon, at present working as U.D.C in the K.V. Maligaon, Guwahati, do hereby solemnly affirm and verify that the statements made in paragraphs 4.1, 4.2, 4.8, 4.10-4.17, 5.1-5.8 are true to my knowledge; those made in paragraphs 4.3, 4.4, 4.5, 4.6, 4.7, 4.9 are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 13 th day of December 2000.

Pradip Kalita



प्रतिलिपि के निए अप्लाइन की तारीख। Date of application for our copy.	स्टाप और फोलियो की अपेक्षित रास्ता सूचित करने की मिशन। Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाप और फोलियो देने की तारीख। Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार भी। Date on which the copy was ready for delivery.	अपेक्षक को प्रतिलिपि देने की तारीख। Date of making over the copy to the applicant.
29/8/97	1/9/97	1/9/97	1/9/97	1/9/97

-15-

ANNEXURE-1

THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura)

CIVIL APPELATE SIDE

1997-1998-180207-CIVIL-4019

Appeal from Civil Rule No. 4019

Civil Rule No. 4019 of 1997

Smti Prendip Kalita

Appellant

Petitioner

Versus

Union of India & Ors. Respondent

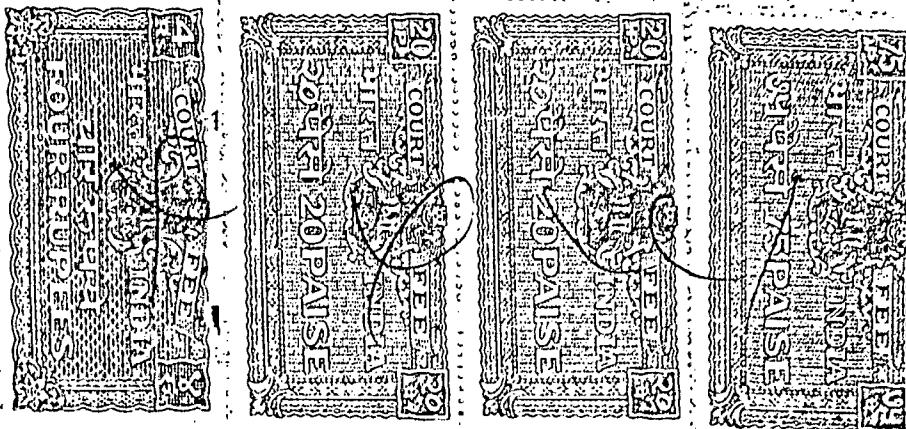
Opposite-Party

Appellant For Mr. B.K. Sharma

Petitioner For M. D. S. Bhattacharya, Advocate

Respondent For

Opposite-Party For Central Govt. Standing Council



Attis (A)
Wkly
Advocate

2.

IN THE MATTER OF :-

Shri Pradip Kalita,

S/O. Shri Rabindra Kalita,

Ally. Qt. No. 285 A,

West Gora Nagar, Maligaon,

Assam.

..... Petitioner.

vs.

1. The Union of India,

represented by the Secretary
to the Govt. of ~~Assam~~ India,
Ministry of Education,
New Delhi.

The Commissioner.

2. The Kendriya Vidyalaya Sangathan,
18, Institutional Area N.D.B.H. 16,
Maligaon, Chhaya Bhawan, Guwahati-11.

3. The Assistant Commissioner,

Kendriya Vidyalaya Sangathan,

Maligaon, Chhaya Bhawan, Guwahati-11.

4. The Principal,

Kendriya Vidyalaya, Maligaon,
Guwahati-11.

..... Respondents.

The humble petition of the above-named
Petitioner, -

..... 6.

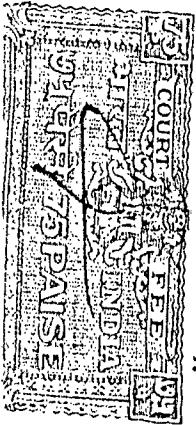
Office or Advocate

Serial No.	Date	Office action, report, orders or judgments with signatures
	28.8.97	Present Hon'ble Mr. Justice D.N. Choudhury

By this writ petition the petitioner seeks for a direction to the respondents to consider the case of the petitioner for promotion to the post of U.D.C. in Kendriya Vidyalaya, Maligaon.

Heard Mr. BK Sharma, learned counsel for the petitioner and Mr. KN Choudhury, learned CGSC for the respondents.

The petitioner Shri Pradip Kalita is working as L.D.C. in Kendriya Vidyalaya since 5th May '84 and on 28.7.94 on the recommendation of the Departmental Promotion Committee (DPC) the petitioner was promoted to the post of U.D.C. in the pay scale of Rs. 1200/- to 2040/- in the Kendriya Vidyalaya Sangathan, vide order dated 28.7.94 (Annexure-A). The petitioner due to



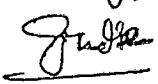
Arg by Office or Advocate	Serial No.	Date	Office notes, report, order or proceeding with signatures
			<p>reasons did not accept the said promotion at that time. Thereafter, the case of the petitioner was again taken up when post of U.D.C. fell vacant, as will appear from the communication dated 9.4.97(Annexure-B) sent by the Principal, Kendriya Vidyalaya, Maligaon, to the Assistant Commissioner, Kendriya Vidyalaya Sangathan, whereby the ACRs etc. of the petitioner were forwarded for further action. According to the petitioner one post of U.D.C. is lying vacant presently and he is eligible for promotion to the said post. He now apprehends that the post will be filled up by transferring person from other place instead of promoting him to the said post. As a matter of fact, petitioner submitted a representation before the Principal, who by his letter dated 30.7.97 forwarded the same to the Assistant Commissioner, Kendriya Vidyalaya Sangathan.</p> <p>From the facts narrated above it thus appears that there is a vacancy in the post of UDC and the petitioner is eligible to be considered for the post.</p> <p>In the facts and circumstances of the case, the respondents are directed to consider the case of the petitioner for being promoted to the post of UDC alongwith with other similarly situated persons in accordance with law. While considering the case of the petitioner the respondents shall also take into</p>

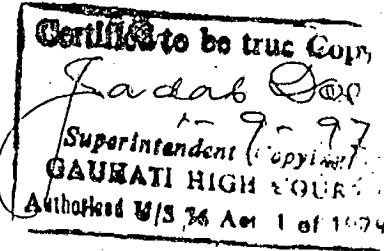
C.Rule 4019/97

sting by Office or Advocate



Serial No.	Date	Office notes, reports, orders or proceeding with signature
(28.8.97) contd		
		<p>consideration that earlier the petitioner was promoted to the post of UDC but for personal reasons he could not avail that chance and that his personal problem is over by now.</p> <p>The respondents are directed to complete the exercise within 4 weeks from today and during this period they shall not fill /up the post of UDC of Kendriya Vidyalaya, Maligaon, whom is <u>presently</u> held by <u>persons other than the petitioner.</u></p> <p>Petition stands disposed of accordingly.</p>

Sd/- D.N. Chowdhury,




Aug 1997

*Attested
 M. A. Khan
 Advocate*

= 5 =

To,

The Principal, Kendriya Vidyalaya,
Maligaon, Guwahati-11.

Dated 27th October, 1997

Subject: Joining report as UDC on promotion from LDC.

With reference to KVS (HQ) New Delhi letter No. F.4-20(3)/96-KVS/E.IV/Vol.II dated on the subject cited above. I hereby report for my duty in the forenoon of 27th as Upper Division Clerk on promotion from LDC.

Therefore, I request you kindly to permit me to join in my duty as UDC and obliged.

May be allowed to join
on 27.10.97 (F/N)

Yours faithfully

Sd/- Illegible

Received by
Principal,
K.V., Maligaon
27.10.97

Pradip Kalita
LDC, K.V. Maligaon.

Attested
Ukgaon
Advocate

From :- Mr. Prodip Kalita,
Upper Division Clerk
Kendriya Vidyalaya,
Maligaon, Guwahati-11

GUWAHATI G.P.O. (781001)
SP EE781111821IN
Counter No:2,OP-Code:HP0
To:S B CHATURVEDI, DELHI-16
NEW DELHI, PIN:110
From:P KALITA , GHY
Dt:12.03.99
Have a nice day 06/12/1999, 17:15
INDIA POST

ANNEXURE - 3

To,

The Deputy Commissioner (Academy)
Kendriya Vidyalaya Sangathan,
Shahid Jeet Singh Marg,
New Delhi-16

(Through Proper Channel)

Dated 6th December '99

Sub :- Abeyance of Mutual request transfer from K.V. Maligaon to K.V. CRPF, Amerigog, Guwahati or any other Kendriya Vidyalaya

Respected Sir,

I have the honour to invite your kind attention to the subject cited above and submit the following facts for favour of your kind necessary action please.

That Sir, since my promotion was offered from U.D.C. to U.D.G. after completion of 14 years of regular service, thereafter I have been working as U.D.C. at Kendriya Vidyalaya, Maligaon, Guwahati, since 27th October, 1997.

That Sir, I would like to inform you that I came to know from reliable source that one station senior most U.D.C. of Kendriya Vidyalaya, Maligaon (Mr. B.K.Das) had applied for mutual request transfer from K.V. Maligaon to K.V. CRPF Amerigog vide Principal K.V. Maligaon letter No. KVM/99/444 - Dated 23/9/99 addressed to your good office through ~~the~~ Assistant Commissioner K.V.S. Guwahati Region for seeking permission of the mutual transfer to save and to avoid surplus at K.V. Maligaon. In this connection, at present two sanctioned post of U.D.C. are holding the position as per previous student enrolment beyond 1600. On the otherhand one post of U.D.C. would be withdrawn/ decrease in terms of KVS(H.Q.) New Delhi D.O. of the Commissioner letter No. F. I-1/99-KVS(O&M) dated 20/8/99 and another 2nd letter No. F. I-1/2000-01/KVS(O&M) dated 01/10/99. Besides, as the new proposal have been approved in the Board of Governor's meeting for fixation of staff sanction for the academic year 2000-2001 in the number of having upto 3 section Class I to X for one UDC listed at annexure-I, as per KVS(H.Q.) New Delhi letter mentioned above. Moreover, I conception of apprehend, if the mutual transfer would be come into effect by your good office, it will be injustice for me as junior U.D.C. at K.V. Maligaon and my legal entitlements may not be deprived from legitimate rights.

Attested
Utkal
Advocate

Contd.....p/2.

That Sir, my wife is a Regional Rural Bank employee serving in Pragjyotish Gaonlia Bank, Dharapur Branch, Guwahati, which is nearest from my duty place. (A copy of the service certificate from the employer is enclosed for your kind perusal).

That Sir, my ailing father more than 60 years old who is residing with me has been suffering from Asthma with hypertension last three years is under treatment at the consulting Doctor's (A copy of the medical treatment certificate from authorised Medical Attendant is enclosed herewith for your ready reference).

That Sir, my son 7 years old is studying in private School in St. Vivekananda English Academy, Maligaon, Guwahati-11 to the standard-I (one) Maiden. I am the eldest son and now only bread earner of my family as well, as my 55 years old mother are wholly dependent upon me.

That Sir, your small favour will be great blessing to me and help me render my best services to the KVS at K.V. Maligaon, being, free from big worries of domestic life and acute personal problems.

Needless to mention that if I am shifted to any other place I will be put to lots of inconvenience and discomforts your kind favour is solicited.

In view of the facts, stated above, I earnestly request you to look into the matter personally so that mutual transfer of station senior most U.D.C. from Kendriya Vidyalaya, Maligaon to another K.V.'s kept abeyance until further implementation of new staff sanction order for the academic year 2000-2001 in pursuance of your KVS(H.Q.) New Delhi letter referred above as the annual Regional request transfer has already been done according to computerised priority list. As per criteria. For which that act of your kindness I shall be ever remain greatful to you.

Thanking you in anticipation.

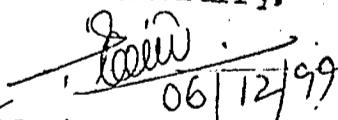
Enclos :-

1. One photostat copy of service certificate in respect of my wife.
2. One photocopy of medical treatment certificate from authorised medical attendant in respect of my father.

Advance copy forwarded for information & necessary similar action to :-

1. The Assistant Commissioner Kendriya Vidyalaya Sangathan, Regional Office, Guwahati Region, Maligaon Chariali Guwahati-12 for kind information & necessary action please.

Yours faithfully,


06/12/99
(PRADIP KALITA)


(PRADIP KALITA)



From: Shri. Mira Kalita (Bharati)
W/o Shri P Kalita (UDC) K V Maligaon
Cashier
Pragjyotish Gaonlia Bank
Dharapur, Guwahati-33 (Assam)

To

The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shahidjeet Singh Marg,
New Delhi-16

Dated, 20th December '99

Subject: Postponement of mutual request transfer from
K V Maligaon to K V CRPF, Amingor, Guwahati
in respect of Mr B K Das (UDC) and Smt M.
Bhattacharjee (UDC)

Respected Sir,

I have the honour to invite your kind attention to the
subject cited above and submit the following facts for favour
of your kind necessary action please

That Sir, I, Smt Mira Kalita Bharati wife of Shri P
Kalita has been serving as Regional Rural Bank employee under
Pragjyotish Gaonlia Bank Dharapur, Guwahati, Assam (A copy of
the service certificate is enclosed herewith for your kind
perusal) which is 10 km. distance from my duty place where I
am residing with my husband at Govt accommodation allotted
in favour of my husband alongwith my 7 years minor child as
well as my ailing poor health parents-in-law who are residing
with me and wholly dependent upon us.

That Sir, my husband Shri P Kalita has been working in
Kendriya Vidyalaya Maligaon, Guwahati as UDC since 27th
October, 1997.

That Sir, my son 7 years old is studying in private
school in St Vivekananda English Academy, Maligaon, Guwahati.
to the standard-I

That Sir, I am the low-paid earning member, only bread
earner of my family as well as my ailing father more than 60
years old who has been suffering from Asthma with hypotension
is still under treatment at the consulting doctor's (A copy
of the medical treatment certificate is enclosed herewith for
your kind perusal) so I can't residing alone as a lady at the
present situation.

Contd. 2/-

*Received
20/12/99*

11 2 11

That Sir, I would like to inform you that I came to know from reliable source that one station senior most UDC of Kendriya Vidyalaya Maligaon of Mr B K Das, had applied for mutual request transfer from K.V. Maligaon to K.V. CRPF, Amerigoy, Ghy. for seeking permission of mutual transfer to save and to avoid surplus at K.V. Maligaon (However, a copy of the representation dtd 6/12/99 is enclosed herewith for your ready reference submitted by Shri P Kalita, UDC of K.V. Maligaon in respect of my husband)

Moreover, I conception of apprehend if the mutual transfer would be come in to effect by your good office if will be very injustice for me as the legal entitlements may not be deprived from legitimate rights. Needless to mention that if my husband shifted to any other place from K.V. Maligaon I will be put to lots of inconvenience & discomforts your kind favour is solicited

In view of the facts stated above, I earnestly request you to look into the matter personally so that mutual transfer of senior most UDC (Mr B.K Das) kept postpone until further implementation of new staff sanction requirement for the academic year 2000-2001 in accordance of your KVS (HQ) New Delhi letter as mentioned in my husband representation as per enclosed herewith. For which that act of your kindness I shall be ever remain greatful to you.

Thanking you,

Yours faithfully,

Date :

Enclo:- As above.

Bharali (Smt. Mira Kalita (Bharali).

COPY TO:

- 1) The Asstt. Commissioner, Kendriy Vidyalaya Sangathan, Regional Office, Guwahati-12 for his kind information and necessary action please.
- 2) Then General Manager, Pragjyotish Gaonlia Bank Head Office, Nalbari for his kind information please.
- 3) The General Secretary, KEVINSTSA (HQ), Delhi with a request you kindly to intervene the matter with KVS(HQ) authority as soon as possible so that legitimate rights may not be deprived

Bharali 22/12/99

(Smt. Mira Kalita (Bharali).

*Attended
before
Advocate*

14(AC)

Kendriya Vidyalaya Sangathan
 (Esstt. 'IV Section 10(1)(b))
 18, Institutional Area,
 "Shaheed" Jeet Singh Marg,
 New Delhi - 110 016

Date 4.12.2000

No. F.12-1(DT)/2000-KVS(EDIVY) is
 Dated: 4.12.2000

TRANSFER ORDER (Under Section 10(1)(b) of the
 Kendriya Vidyalaya Sangathan's Transfer Guidelines, 1997)

In accordance with the provisions contained in para 10(1) of the
 Kendriya Vidyalaya Sangathan's transfer guidelines, the
 transfer of the following U.D.C. is hereby ordered in public interest with immediate effect:-

Sl. No.	Transferred From KV	Transferred To KV
1	S/ Shri. P. M. John	No. 1, Jayahalli, Tumkur, 562 419
2	OP Gupta	No. 1, Bhopal, No. 4, Gwalior, 461 004
3	Ashok Budhwani	No. 2, Indore, 452 003
4	Narayan Ch. Das	Dum Dum, 700 030
5	RP Prasad	CRPF, Durgapur, 713 301
6	Rajesh Kr.	No. 3BRD, Chandigarh, 160 003
7	P Kalita	Maligaon, Nizamul (Assam), 781 001
8	SD Devangan	No. 3, Korba, SECL, Dhanpuri, 493 001
9	AK Sharma	No. 4, Jaipur, BOP, Jodhpur, 380 001
10	RC Sharma	No. 1, Nagrota, Jyoti, Japur, 412 001
11	Nirmal Kr. Walia	Palampur, Bajich, 492 001
		Contd. P. 2/-

812
 Attached
 Utkarsh
 Advocate

O.A. 93/92

1941-1942. The following publications
were issued in 1941-1942:

0.10% (1.0 g/100 mL)

- 3 -

三

4

(Twenty six cases only)

This issue is with the approval of Competent Authority.

(P.R. Aggarwal)
S.Y. Commissioner (Finance)

جغرافیا اسلامی

Copy to:

- 1- The teacher/employee concerned.
- 2- The Principal, of the Vidyalaya from where the teacher/employee has been displaced. The concerned teacher/employee may be relieved immediately. In case the said teacher/employee is a female or physically handicapped as per the standard guidelines framed by Govt. of India, the said teacher/employee should not be relieved. Intimation to this effect should be sent to corresponding Vidyalaya/ both the Regional Offices/ KVS(HQ) immediately so that further appropriate action can be taken. Representation of the teacher also should be sent to KVS(HQ) for records.
- 3- The Principal of the Kendriya Vidyalaya to where the teacher/employee has been transferred for information and necessary action. In case of receipt of information as indicated at S1.No.2 above, the teacher/employee from his Vidyalaya should not be relieved and the matter be reported to this office forthwith to enable KVS(HQ) for locating another teacher/employee from the displacement zone.
- 4- The Asstt. Commissioner, KVS, All Regional Offices.
- 5- The General Secretaries of recognized service Associations of KVS.
- 6- O.S.D. (H.R.M.)
- 7- O.S.D. (Def.)
- 8- All Dy. Commissioners/ Asstt. Commissioners/Sr. Admn. Officers/ Audit Officers and Education Officers of KVS(HQ).
- 9- E.A to the Commissioner, KVS.
- 10- Guard file/Notice Board.

Prabhakar
(Dr. E. Prabhakar)
Education Officer

Attended
Malgaon
Adavale

From,

Mr. P. Kalita,
U.D.C.
K.V. Maligaon, Guwahati-11

To,

The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shahidjeet Singh Marg,
New Delhi-16.

Dated 11th December 2000

Sub :- Postponement of transfer on public interest
and modification of transfer order within
greater Guwahati City.

Sir,

I have the honour to invite your kind attention to the subject cited above and submit the following facts for favour of your kind necessary action please.

1. That I, have been working as UDC since 27th October, 1997 at K.V. Maligaon, Guwahati.

That Sir, I came to know from reliable source that I have been posted at K.V. Mirjuli Arunachal Pradesh on public interest as per your direction.

That Sir, my wife is an employee of Pragjyoti Sahitya Bank under Regional Rural Bank has been working at Oberapur, Guwahati-33 (Assam) (A copy of the Service certificate is enclosed herewith for your kind perusal).

That Sir, my eight years minor child is studying in St. Vivekananda English Academy Maligaon, Guwahati to the standard X-II. Under secondary Board of Education, Assam as there is no any look after my son so that future education life may not be hamper.

That Sir, my ailing father more than 60 years old who is residing with me has been suffering from Asthma with Hypertension last four years still under treatment at the consulting Doctors. (A copy of the Medical treatment Certificate is enclosed herewith).

That Sir, I am the low-paid earning member, only bread earner of my family as well as my ailing mother, so they are can't stay without helping of myself and proper care. Moreover I would like to inform you that there is a provision contained in fundamental rule both husband and wife are employees may be posted to the nearest to the station as per rule. Therefore needless to mentioned that if I am shifted to any other place from Guwahati City I will be out to lots of inconvenience & discomfort your kind favour is solicited. In this connection, I had already submitted in my previous application dated 06/12/99. (A photocopy of the same is enclosed herewith for your kind perusal).

Attested
Udayan
Aburak

Contd.....p/2.

- 2 -

That Sir, I am to bring to your kind attention one post of UDC is likely to be vacant at Kendriya Vidyalaya Vidyalaya, CRPF, Amerigog, Guwahati, who has been transferred to Kendriya Vidyalaya, Maligaon as per your good office direction.

In view of the facts stated above I earnestly request you to look in the matter personally so that my request transfer may please be posted within greater Guwahati city. For which that act of your kindness I shall be ever remain grateful to you.

Thanking you in anticipation.

Yours faithfully,

Pradip Kalita 11/12/2K
(Pradip Kalita)

Enclos :-

1. One photocopy of the Service Certificate (in respect of my wife)
2. One photocopy of Medical treatment certificate (in respect of my father)
3. One previous application dt. 06/12/99

1. Advance copy forwarded for information and similar necessary action please.
2. The Asstt. Commissioner, KVS Guwahati Region, Maligaon Chariali, Guwahati-12 for immediate necessary action please with a request that application may be forwarded for onward transmission to KVS (H.Q.) New Delhi for taking action.
3. The Principal K.V. Maligaon, Guwahati-11 for necessary action please with a request to forward the application to the Asstt. Commissioner, KVS, Guwahati Region for further action.

*Recd &
File 8
12/12/2K*

*Pradip
11/12/2K
(Pradip Kalita)*

*Accepted
Utkal
Felicitate*

Personal copy

*KENDRIYA VIDYALAYA SANSTHAN
Guwahati Region
Date - 12/12/2000*