

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

Review APPLICATION NO. 11/2000
dtd. 33/2000 OF 199

Applicant(s): Union of India and others.

Respondent(s): Smt. Veena Tripathi

Advocate for Applicant(s): Dr. B. P. Todi, KVS.

Advocate for Respondent(s): Mr. M. Chakraborty
Mr. N. D. Goonkon

Notes of the Registry	Date	Order of the Tribunal
The learned KVS counsel has filed this Review against the order dtd. 4.2.2000 passed by this Tribunal.	25.4.2000 mk AKS 25/4/2000	Issue notice on the respondents. Returnable by 26.5.00. List on 26.5.00 for orders. <i>by</i> Member
Xaid before Hon'ble court for further orders.	26.5.00 mk	There is no Bench today. Adjourn to 7.6.00. <i>by</i> Member
<i>Copy to the w.c.s.</i> Section Officer.	7.6.2000 mk	Present : Hon'ble Mr. D. C. Verma, Judicial Member. Notice be issued to the respondents. Respondent No. 5 is a private respondent. Notice be issued to him also. The same be issued within 3 weeks. List on 28.6.00 for orders. <i>by</i> Member (J)

(2)

Notes of the Registry	Date	Order of the Tribunal
Notice duly served by the applicant advocate (Respondent)	28.6.00	There is no Bench today. Adjourned to 14.7.00. B60 1a ?
<i>By 28.4.2000</i>	14.7.00	Present : Hon'ble Mr S.Biswas, Administrative Member.
<i>7.6.00</i>		Learned counsel Mr M.Chanda for the applicant Learned counsel Ms P.Barua for review applicant and learned counsel Mr M.Chanda for the opposite party present.
No reply has been filed.		Issue notice to the opposite party. Post on 8.8.2000.
<i>1a</i>		<i>S.B.</i> Member (A)
<u>20/6/00</u> Received in file on 20/6/00. Notice along with order dtd. 7/6/00 issued to respondent No 5 wide D/No 1650 dt 01/6/00 <u>20/6/00</u>	pg	8.8.00 There is no Bench. Adjourned to 31.8.00. B70 1a ?
<i>By 20/6/00.</i>		
<u>10-7-2000</u>	31.8.00	On 31.8.00 adjourned to 29.9.00. No.
① Service report are still awaited.		
<i>20</i>	27.9.00	Present : Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.
No. Reply has been filed.	trd	A prayer has been made on behalf of Dr. B.P.Todi, learned counsel for the Review Applicant for adjournement. Prayer allowed. List on 1.11.2000 for further order.
<i>By 13.7.00</i>		Vice-Chairman
No. Reply has been filed.	1-11-00	No. representation. List again on 2-11-00. By order,
<i>26.9.2000.</i>		
No. Reply has been filed.		
<i>31.10.00</i>		

Notes of the Registry

Date

Order of the Tribunal

2.11.00

On the prayer of Dr B.P.Todi, learned counsel for KVS the case is adjourned to 7.11.2000 for order.


 Vice-Chairman

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7.11.2000 Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.

This is an application seeking for review of the order dated 4.2.2000 passed by this Tribunal in O.A.No.33/2000. The petitioner moved this Tribunal by the aforesaid O.A. praying for her transfer from Kendriya Vidyalaya, Panbari to Kendriya Vidyalaya, Bongaigaon on the ground that her husband ^{on the ground} ~~was~~ working in Bongaigaon. In the absence of any such vacancy at Bongaigaon, the respondents were directed to place the applicant to a place nearer to Bongaigaon including Kokrajhar in conformity with the policy of the Government of India for posting of spouse at the same station.

*It is also ordered
that in the absence
of any such vacancy, the
Petitioner be directed to
apply for transfer to
any other place nearer to
Bongaigaon.*

Heard Dr B.P.Todi, learned counsel for the review petitioner. Dr Todi submitted that the Tribunal instead of issuing a direction, ought to have given an opportunity to the Kendriya Vidyalaya Sangathan to consider the case of the applicant alongwith like persons in conformity with the policy. In other words Dr Todi challenged the merit of the decision as unlawful. The parameter of review is restricted and constrained and not like an appeal. If the order is erroneous, it is not for the review Court to review the same, it is only for the higher Court to take care of the order. In the circumstances the Review Application is not entertained and accordingly the same is dismissed.

Vice-Chairman

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Notes of the Registry	Date	Order of the Tribunal

Notes of the Registry

Date

Order of the Tribunal

7.11.00 present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.

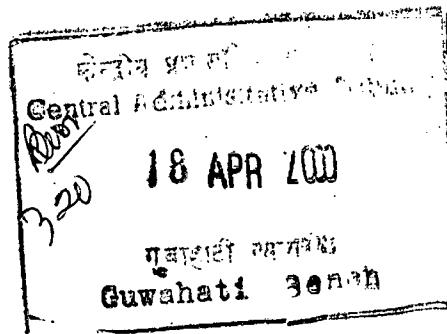
This is an application seeking for review of the order dated 4.2.2000 passed by this Tribunal in O.A.No.33/2000. The petitioner moved this Tribunal by the aforesaid O.A. praying for her transfer from Kendriya Vidyalaya, Panbari to Kendriya Vidyalaya, Bongaigaon on the ground that her husband was working in Bongaigaon. The Tribunal ordered accordingly. It also ordered that in the absence of any such vacancy at Bongaigaon the respondents are directed to post the applicant to a place nearer to Bongaigaon including Kokrajhar in conformity with the policy formulated by the Government of India for posting of spouse at the same station.

Heard Dr B.P.Todi, learned counsel for the review petitioner. Dr Todi submitted that the Tribunal instead of issuing a directions to post the applicant at Bongaigaon ought to have given an opportunity to the Kendriya Vidyalaya Sangathan to consider the case of the applicant alongwith like persons in conformity with the policy. In other words Dr Todi challenged the merit of the decision as unlawful. The parameter of review is restricted and constricted and the review power is not like an appeal. If the order is erroneous, it is not for a review Court to ^{Correct} review the same, it is only for the higher Court to take care of the order. In the circumstances the Review Application is not entertained and accordingly the same is dismissed.



Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH::
AT GUWAHATI

REVIEW APPLICATION NO. 11 /2000

ORIGINAL APPLICATION NO. 33/2000

IN THE MATTER OF:

An application for Review under
Section 22(3)(f) of the Administrative
Tribunal Act, 1985 read with Rule 17 of the
the Central Administrative Tribunal
(procedure) Rules, 1987.

-AND-

IN THE MATTER OF:

Original Application No.33/2000.

-AND-

IN THE MATTER OF :

An application for Review of
order dated 4.2.2000 passed by this
Hon'ble Tribunal in Original Applica-
tion No. 33/2000.

-AND-

contd. 2

IN THE MATTER OF:

Smti Veena Tripathi
Trained Graduate Teacher (Maths)
Kendriya Vidyalaya, Panbari,
District - Dhubri.

....Applicant

-Versus-

1. Union of India,
represented by the Secretary to
the Govt. of India, Ministry of
Human Resource Development,
New Delhi.

2. Kendriya Vidyalaya
Sangathan, represented by the
Commissioner, 18, Institutional
Area Saheed Jeet Singhmary,
New Delhi.

3. The Assistant Commissioner,
Kendriya Vidyalayan Sangathan,
Guwahati Regional Officer,
Maligaon, Guwahati.

4. Principal,
Kendriya Vidyalaya,
Panbari, Dhubri.

5. Sri Rameshwar Sharma,
Teacher, Kendriya Vidyalaya,
BRPL, Bongaigaon.

.....Respondents

-AND-

IN THE MATTER OF:

1. Union of India,
represented by the Secretary to
the Govt. of India, Ministry of
Human Resource Development
Department, New Delhi.

2. Kendriya Vidyalaya Sangathan,
Represented by the Commissioner,
Kendriya vidyalaya sangathan .
~~Opposed~~ 18 Institutional Area
Saheed Jeet Singh Marg , New Delhi

3. The Assistant Commissioner,
Kendriya vidyalaya Sangathan
Guwahati Regional Office
Maligaon Chariali, Guwahati.

4. Principal,
Kendriya Vidyalaya,
Panbari, Dhubri.

Review Petitioners

The humble Petition of the
Petitioners above named -

MOST RESPECTFULLY SHEWETH:

1. That the applicant above named had instituted the aforesaid Original application No. 33/2000 praying her transfer from Kendriya Vidyalaya Panbari to Kendriya Vidyalaya Bongaigaon on the ground that her husband is working in Bongaigaon.

2. That the applicant in her application had enclosed office memorandum dated 12.6.97 issued by the Govt. of India, Ministry of Personnel, Public grievances and Pension and that this Hon'ble Tribunal as per the said office memorandum had directed while disposing off the case of the applicant on 4.2.2000 that respondents are to transfer the applicant to Kendriya Vidyalaya Bongaigaon. If no such vacancy is available at Bongaigaon the applicant may be transferred to a place nearer to Bongaigaon including Kokrajhar. This must be done as early as possible at any date within a period of one month from the date of receipt of the order. Till such decision is taken at least one post should not be filled up by new appointee.

Copy of the order dated 4.2.2000 is annexed herewith and marked as Annexure-1.

3. That the Petitioners beg to file the Review application amongst others the following-

GROUNDS

(i) For that the Kendriya Vidyalaya Sangathan has guidelines for transfer of its teacher to the place where spouse is working. Such cases are taken up for consideration after receipt of applications alongwith other similar prayer.

(ii) For that the office memorandum dated 12.6.97 issued by the Govt. of India, Ministry of Personnel and public Grievances and Pensions (Department of Personnel and Training) is only a guideline and an application is to be considered in accordance with own guidelines adopted by the Kendriya Vidyalaya Sangathan alongwith other similarly situated persons.

(iii) For that the Hon'ble Tribunal had passed order on the same day the case was moved.

On the premises aforesaid, it is
Respectfully prayed that your Lordships
may be pleased to admit this application
and upon hearing the parties may be pleased
to Review the order dated 4.2.2000 passed in
Original application No. 33/2000 and/or pass
further order or orders as your Lordships
may deem fit and proper.

And for this act of kindness the Petitioners as in duty
bound shall ever pray;

-AFFIDAVIT-

I, Sri D K Saini, son of Sri C.L. Saini, aged about 51 years, presently working as Assistant Commissioner (offg) Kendriya Vidyalayan Sangathan, do hereby solemnly affirm and declare as follows -

1. That I am the Petitioner No.3 in the instant application, I have been authorised to file this affidavit on behalf of the other Petitioners and as such, I swear the same, I am fully acquainted with the facts and circumstances of the case.
2. That the statements made in this affidavit and in paragraphs 1, 2, 3 of the Petition are true to my personal knowledge and believe based on record and that I have not suppressed any material fact.

I sign this affidavit on this the 10th day of April, 2000.

Identified by me:


ADVOCATE


D. Gillan Jain

DEPONENT

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO.

33/2000 OF 199

Applicant(s)

Smt. Veena Tripathi

Respondent(s)

Union of India & Ors.

Advocate for Applicant(s)

Mr. M. Chanda

Mr. N.D. Goswami

Advocate for Respondent(s)

Mr. C.N. Chakraborty

C.C.S.C.

Notes of the Registry	Date	Order of the Tribunal
	4.2.00	<p>Present : Hon'ble Justice D.N. Baruah, Vice-Chairman.</p> <p>In this application the applicant is seeking certain directions to the respondents. The case of the applicant is that she is a Trained Graduate Teacher working in Kendriya Vidyalaya, Panbari. Her husband is also a Trained Graduate Teacher at present working in Kendriya Vidyalaya, B.R.P.L., Bongaigaon. According to the applicant there are certain vacancies at Bongaigaon. In spite of several representations the applicant has not been posted to the place where her husband is working. Hence the present application.</p> <p style="text-align: right;">Contd...</p>

Notes of the Registry	Date	Order of the Tribunal
	4.2.0	<p>Heard Mr. N.D. Goswami, learned counsel appearing on behalf of the applicant and Dr. B.P. Todi, learned counsel for the Kendriya Vidyalaya Sangathan. Mr. Goswami draws my attention to the O.M. dated 12.6.1997 issued by the Govt. of India, Ministry of Personnel, Public Grievances & Pensions (Department of Personnel and Training). As per the said O.M. husband and wife should be posted in same place. Mrs. Goswami further submits that Kendriya Vidyalaya follows the Govt. of India's instructions. Dr. Todi does not dispute the same. He however, submits that he has no information regarding availability of post at Bongaigaon.</p> <p>On hearing the counsel for the parties I dispose of this application with direction to the respondents to transfer the applicant to Kendriya Vidyalaya, Bongaigaon. If no such vacancy is available at Bongaigaon, the applicant may be transferred to a place nearer to Bongaigaon including Kokrajhar. This must be done as early as possible at any rate within a period of one month from the date of receipt of this order. Till such decision is taken, at least one post should not be filled up by new appointee.</p> <p>The application is disposed of. No costs.</p>

Sd/ VICE CHARMAN

Dated 15.1.2001

1. Shri M. Chanda, Advocate, CAT Gauhati Bench, Gauhati.
 2. Shri A. Deb Roy, Sr. CGSC, CAT Gauhati Bench, Gauhati-5.

Mr. A. Todi KVS.

Deputy Registrar.

14/12

9/1/2001