

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

APPLICATION NO. 336 /2001

Applicant (s) Sri S. Ramaswami

Respondant(s) U.O.F & ORs

Advocate for the Applicant: Mr. A. Ch. Bhaumik
Ms. N.G. Mazumdar

Advocate for the Respondant: Sr. C. G. S.
KVS

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

28.8.01

The application is admitted. Call for the records. Returnable by 4 weeks. Pendency of this application shall not be a bar to on the respondents to consider the representation of the applicant.

A copy of the order may^{be} furnished to learned counsel for the applicant.

List on 28/9/01 for order.


Vice-Chairman

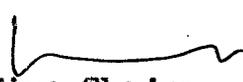
This application is in form but not in time. Condonation Petition is filed vide Mr. P. N. ... C.F. for Rs. 500 deposited vide IPO/BO No. 548892 Dated... 27.8.2001

W. J. ...
Dy. Registrar.
27/8/01

mb

28.9.01

List on 12.10.01 to enable the respondents to obtain instructions.


Vice-Chairman

lm

12.10.01

Present : Hon'ble Mr. K.K. Sharma, Administrative Member.

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has not challenged any order, but only claimed leave as per modification order dated 2.5.2001, by which the applicant was transferred from DCF Avadi to Kailash Shahar, Tripura. The applicant has

Copy of order furnished to learned Counsel of the applicant.

Notice prepared and sent to D/S for Govt the respondent No 1 to 4 by Regd AD vide

Sl No 3243/46 dt 3/10/01

30/8/01

① Service report are still awaited.

MA 27/9/01

Contd..

12.10.01

carried over the transfer order and had joined at Kailash Shahar. The applicant has stated that the place of Kailash Shahar is not convenient for him, as his wife is a State Govt. employee in Tamil Nadu, a non transferable post and his college going son and daughter are studying at OCF Avadi, Chennai.

The applicant vide letters dated 31.1.2001 and 10.4.2001 have represented against the transfer. The applicant have also moved the Hon'ble Central Administrative Tribunal, Chennai Bench and by order dated Hon'ble directed the respondent No.2 to dispose of this representation and pass a reasoned order within specified time.

It is stated in the application that two posts are likely to fall vacant at DGQA, Complex, Chennai and at AFS, Avadi. He requested that his case for transfer to Chennai should be considered by adjusting him against one of the two vacancies.

I have heard Mr. A.C. Bhoumik, learned counsel appearing for the applicant and Mr. S. Sarma, learned counsel appearing for the respondents.

As the applicant has not challenged any order and have not sought any relief and the applicant only want to be transferred to Chennai, where the vacancy is likely to arise, I am of the view that this is a matter on which this Tribunal cannot intervene. The applicant have already made representation to the Commissioner, KVS on 16.8.2001 which has not yet been disposed of. I therefore, direct the respondents to dispose of the representation dated 16.8.2001. The applicant will be at a liberty to file a fresh representation bringing the latest position as to the vacancy. If such representation is made, the respondents shall consider and dispose the same as expeditiously as possible.

Subject to the observation made, the application is treated as dismissed. No order as to costs.

K. Usha
Member

13.11.2001

Copy of the order has been sent to the office for issuing the order to 125 L/Adms for the parties.

U.S.

5
Filed by
22/08/2001
22/08/2001
22/08/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI.

O.A. 336.....2001.

Mr. S. Ramaswamy.
-----Applicant.

VERSUS

The Union of India & others
-----Respondent.

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Central Adm
27/08/2001
গুৱাহাটী
Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GOUHATI BENCH

GAUHATI

ORIGINAL APPLICATION NO :- 336 OF 2001.

SRI S. RAMASWAMY.

S/O Lt. T. SOLOMON.

TRAINED GRADUATE TEACHER (TGT)
MATHS.

Resident of :- KOIL VILAI

P.O. MONIKETTI POTTAL, P.S. EATHAMOZHY (VIA)

Dist. KANYAKUMARI State. TAMIL NADU

Presently posted at Kendriya Vidyalaya,

Kailasahar. P.O. + P.S. Kailasahar. Pin-799277

District :- North Tripura. State: Tripura.

----- -Applicant.

V E R S U S

1. The UNION OF INDIA.

Represented by its Secretary.

Ministry of Human Resorce Development

New Delhi.

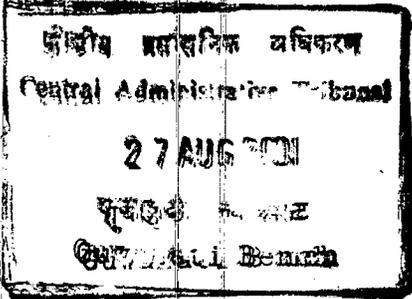
2. THE COMMISSIONER.

Kendriya Vidyalaya Sangathan.

18, Institutional Area, Saheed Jeet Singh Marg.

New Delhi - 110016.

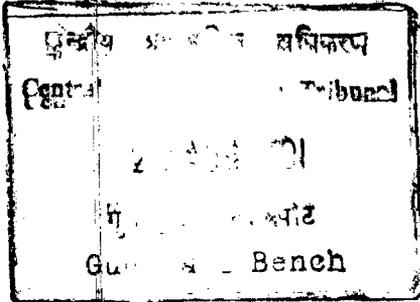
Contd- 2.



S. Ramaswamy

By Shyamkant
15/08/2001
Hr

(2)



3. THE ASSISTANT COMMISSIONER
Kendraya Vidyalaya Sangathan
Regional office, SILCHAR, ASSAM.
4. PRINCIPAL.

KENDRAYA VIDYALAYA, KAILASAHAR.
North Tripura, Pin:- 799277
-----Respondents.

DETAILS OF APPLICATION :-

- *1. PARTICULARS OF ORDER AGAINST WHICH THIS APPLICATION IS MADE :- Non consideration of the Representation DT. 16-8.2001 of the applicant for transferring him by modification of the surplus redeployment transfer order dated 2-5-2001, from Kendraya Vidyalaya, Kailasahar to Kendraya Vidyalaya D.G.Q.A. Complex PazhavanThengal, Chennai 600114 as a vacancy will be arisen on 30 th November 2001 due to retirement of MRS. SOLOMON trained - graduate teacher (TGT) in mathematics.

2. JURISDICTION OF THE TRIBUNAL :-

The applicant declares that the subject matter of against [redacted] which he wants redressal is within the jurisdiction of this Tribunal.

3. LIMITATION :- The applicant further declares that the application is within the limitation period prescribed in section 21 of the Administrative

(3)

S. Ramasamy

Dr. Shankar
Director

Tribunal Act, 1985.

4. FACTS OF THE CASE :-

a) The applicant is a Trained Graduate Teacher "in short T.G.T." (MATH) and presently has been serving at Kendriya Vidyalaya , Kailasahar under Silchar Region since 16 th may 2001 under Respondent No- 4 in persuance of the transfer order dated 2-5-2001 vide No -F1-3/TGT(Math)/2001/KVS(ESH)-111 issued by the Deputy Commissioner (Admn) Kendriya Vidyalaya Sangathan, New Delhi.

The applicant was originally appointed as primary Teacher in the year 1977 and posted in the Kendriya Vidyalaya, Karaikudi. He was promoted to the present post of Trained graduate Teacher in the year 1987 when he was working in the Kendriya Vidyalaya, O.C.F. AVADI Chennai- 600054.

Thereafter being promoted the applicant was again transferred to the Kendriya Vidyalaya C.R.P.F., AVADI, Chennai.

b) In the year 1992 the applicant was transferred in the Kendriya Vidyalaya O.C.F. Avadi, Chennai. and had been working there honestly, Deligently, sincerely with the utmost satisfaction of the authorities also with great devotion and dedication and with out blemish whatsoever at any point of time.

(4)

S. Ramasamy
Deputy Commissioner

But unfortunately the applicant was again transferred on 2-5-2001 to Kendriya Vidyalaya, Kailasahar on sur plus ground by the Deputy Commissioner (Admn), Kendriya Vidyalaya Sangathan, New Delhi. ✓

Copy of transfer order dated 2-5-2001 is enclosed and marked as Annexure=A.

- C. The applicant filed an application before the Hon'ble Administrative Tribunal, Madras Bench, apprehending that he is likely to be transferred to some other place which is not according to his choice and convenience before the issuing of transfer order dt. 2-5-2001 being No-M.A.254/2001 and O.A. No- 486/2001 as because the applicants wife is working in State Govt. in Tamilnadu a non transferable post he has got youth son and daughter who are college going at O.C.F. Avadi, Chennai. The applicant has got also old and ailing mother aged about 72 years. No male member save and except applicant to look after the youth son and daughter and his mother.

The applicant filed application on 31-1-2001 and a reminder on 10-4-2001 stating every thing in detail regarding convenience and inconveniences if he is transferred before the filing of the application before the Hon'ble Tribunal.

(5)

S. Ramasamy

Pop
S. Ramasamy
A. Chandrasekhar

After hearing the parties on 25-4-2001 The Hon'ble Central Administrative Tribunal, Madras Bench directed the Respondent No 2 to dispose of the representation and pass orders on the same with in a period of 4 (Four) weeks from the date of communication of the order.

Copy of the ~~order~~ order dated 25-4-2001 passed by the Tribunal, Madras is enclosed herewith and marked as ANNEXURE = B.

d) The applicant filed a Representation to the Respondent No- 2. as per order of the Hon'ble Tribunal dated 25-4-2001 on the following grounds:-

i) The applicant has been rendered surplus during 2001 to 2002 in Kendriya Vidyalaya O.C.F. Avadi, He requested that he may be adjusted in Kendriya Vidyalaya C.I.S.F. Thakkolam.

ii) That his wife is a state Govt. employee working in Tamilnadu Secreteriate whose job is non transferable, His eldest son is studying in a college under state sylebus and daughter is studying in school under G.B.S.E. Syllabus. That his presence is very much essential at this stage of their study to give proper guidance for further prospect. That he has to take care of aged mother and attend her medical needs.

iii) That one Mrs. Parvathi, TGT (Math) from Kendriya Vidyalaya, C.I.S. F. Thakkolam has tendered her proposal

(6)

her proposal for voluntary retirement with effect from 1-8-2000 and he request that he may be adjusted against resultant vacancy caused by her retirement

iv) That even though he is the senior most in terms of stay in Kendriya Vidyalaya, O.C.F. Avadi, there is another teacher namely Mrs. Kartikeyan, TGT (Math) who is serving in the same station since June 1978.

v) That he states that as in the case of transfer as per transfer guidelines seniority in terms of stay in the station is the criteria for transfer to station to another station and the same yardstick be used in case of surplus transfer also.

The respondent M No 2 on 24-7-2001/27/7 considered the reason of the representation but did not call back the applicant on the ground that there is no vacancy existing in the Kendriya Vidyalaya, C.I.S.F. Thakkolam.

Copy of the Memorandum dt.24-7-2001/27-7-2001 vide No- F - 19-366(3)/2001 KVS(LNC) is Annexed herewith and marked as Annexure =C.

e) That the applicant with due respect and in compliance of the transfer order dated 2-5-2001 joined at Kailasahar Kendriya Vidyalaya, under Silchar Region on 16-5-2001 and till date he has been serving at Kendriya Vidyalaya Kailasahar with out any blemish whatsoever.

(7)

J. Ramaswamy
By Shri M. S. Srinivasan

It is pertinent to be mentioned here that the applicant was transferred to Kendriya Vidyalaya, Kalasahar on surplus ground.

- f. That one Mrs. C. Solomon TGT(Math) will be retired on 30 th November 2001 from Kendriya Vidyalaya, DGQA complex, Chennai 600114 and as such there will be a vacancy for TGT(Math). As the applicant was transferred on surplus ground he can be accomodated in the said Kendriya Vidyalaya, DGQA complex, Chennai as a TGT(Math) by way of modification of the earlier transfer order dated 2-5-2001 for equity, conciance and fair ends of justice so that applicant may be able to render his service effectinately without any hindrance or thinking in his mind for his old and ailing mother and his youth son and daughter who are studying.

A copy of the said list of retirement of teacher of Kendriya Vidyalaya Sangathan are enclosed herewith and marked as Annexure = "D"

Though in the printed list of teachers retirement Mrs.C.Solomon's name has been printed against the Kendriya Vidyalaya, Air Force Station, Avadi. She has been subsequently transferred to Kendriya Vidyalaya, DGQA complex, Chennai 600114 in the vacancy of the retirement of K.V.Krishnamurthy, DGQA, Chennai on January 2001.

- g) That the applicant after collection of the list of retirement of teachers and being confirmed that one Mrs. C.Solomon TGT(Math) is going to retire on 30-11-2001 from Kendriya Vidyalaya DGQA complex, Chennai -600114 filed a representation to the Respondent No-2 well in advance for getting assurance that he may----

(8)

S. Ramasamy

2
Prof. Dr. ...
...

be accommodated/transfer at Kendriya Vidyalaya DGQA complex, Chennai -600114 as TGT(MATH) by way of modification of transfer order dated 2-5-2001 but unfortunately till date of filing of this petition the applicant did not get any reply/assurance regarding modification at Kendriya Vidyalaya, DGQA complex, Chennai. Hence this petition seeking redress to issue direction upon the respondent No-2 for transferring the applicant at Kendriya Vidyalaya, DGQA complex, Chennai as soon as the post of TGT(MATH) will be vacant due to retirement of Mrs. C.Solomon.

Copy of the said representation dated 16-8-2001 is enclosed herewith and marked as Annexure = "E"

GROUNDS FOR RELIEF WITH LEGAL PROVISION :-

i) For that the applicant has been transferred to Kendriya Vidyalaya, Kailasahar on surplus ground. The applicant is a trained graduate teacher(Math). the applicant may be accommodated in Kendriya Vidyalaya, DGQA complex, Chennai 600114 where from Mrs. C.Solomon TGT(Math) is going to be retired on 30-11-2001.

(9)

S. Ramasamy
13
P. P. Bhavan
A.C. Bhavan

ii) For that the Respondent No-2 at the time of disposal of the representation dated 31-1-2002 and its reminder on 10-4-2001 stated that the grounds for transfer of the applicant has been carefully and sympathetically considered but there is no vacancy existing in that Kendriya Vidyalaya as of now the said Respondent failed to accomodated the applicant.

iii) For that the applicant is a permanent resident of Koilvilai, Moniketti, Pottal P.O. Eathamozhy (Via), Kanyakumari, Tamilnadu.at Chennai region but unfortunately he has been transferred at Kendriya Vidyalaya, Kailasahar under Silchar Region which is situated almost 3700 (three thousand and seven hundred) Kilometres from his residence which is almost eastern side of this vast country.

If some body has to come by availing journey by Railway, Air and also by road (i.e. by bus) which will require at least 6/7 days. Moreover it is also very difficult to arrange Air ticket, Rail way ticket etc. And further Kailasahar is declared as extremist disturbed Area and as such one cannot move freely in day time also.

iv) For that the applicant has got his wife, son and daughter and ailing mother-72 years, The wife of the petitioner being a employee of the State Govt. of Tamilnadu have been serving as a stenographer in

(10)

S. Ramasamy

M

Pop
K. S. Ramasamy

Secretariate and considering her job is non-transferable and the son and daughter of the applicant are college going and school going respectively under the state syllabus who are aged about 18 years and 15 years which is the vital time in the tenure of a human life and at this stage an active guardian like father (i.e. the applicant) is required to stay with the youth son and daughter for controlling and guiding them properly from all aspects so that they may be proceeded properly.

Moreover no male member is there in the family of the applicant for looking after the old and ailing mother and his son and daughter. So considering these aspects the applicant may be accommodated at Kendriya Vidyalaya, DGA Complex, Chennai-600114 for good conscience, equity and for ~~fixxxam~~ proper and fair ends of justice.

v) For that the applicant is now aged about 50... years and a senior TGT (Math). More over he complied the earlier all transfer orders as and when directed.

~~_____~~
~~_____~~
~~_____~~

6. DETAILS OF REMINDERS EXHAUSTED:-

a) The applicant made representations before the appropriate authorities on different occasions before transfer and after transfer. The applicant states that on earlier

(11)

S. Ramasamy

Dr. P. Ramaswami
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occassion when he approached before the authority with representation his representation were rejected on the ground that there is no vacancy existing in the Kendriya Vidyalaya as of now and the later representation and the ~~XXXXXXXXXXXX~~ respondent No 2 did not give any reply but since all these representation and prayer having yielded no result the applicant is now left with no other remedy but to approach before this Hon'ble Tribunal seeking appropriate relief.

7. MATTERS NOT PREVIOUS FILED OR PENDING WITH ANY OTHER COURT :-

The applicant apprehending that he is likely to be transferred filed a petition before the Central Administrative Tribunal, Madras Bench, Vide no- M.A.254/2001 with and O.A.486/2001 which was disposed of on 25-4-2001 with an observation and direction to the respondent No- 2 to dispose of the representation and pass orders on the same with in a period of @ 4 (FOUR) weeks from the date of communication of the order

The applicant further declare that after transfer at Kendriya Vidyalaya, Kailasahar, he had not previously filed any application, - writ petition or so regarding the matter in respect of which this application has been made before any court authority or any other bench of this tribunal, nor any such application, writ petition or suit is pending

(12)

before any of them.

S. Rama Moorthy

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By S. Rama Moorthy
for S. Rama Moorthy

8. RELIEF SOUGHT:-

For the modification of the transfer order dated 2-5-2001 and transferring the applicant before December 2001 to Kendriya Vidyalaya, DGQA complex, Chennai-600114 as a vacancy will arise as soon as the retirement of Mrs. C. Solomon TGT(Math) on 30 th November 2001.

9. INTERIM ORDER:-

Pendency of the application may not be a bar to consider the case of the applicant.

AND/OR

No body can be accomodated in the post of TGT(Math) in Kendriya Vidyalaya, DGQA complex, Chennai-600114 which will be vacant on 30 November 2001 after retirement of Mrs, C Solomon TGT(Math)

10. PARTICULARS OF BANK DRAFT OR INDIAN POSTAL ORDER.

IP.O. 710- 648892 Dtd- 27-8-2001

11. LIST OF ENCLOSURES

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As in index.

V E R I F I C A T I O N

S. Ramaswamy

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I Sri S. RAMASWAMY, the applicant do hereby
verify the statements made in this petition as true to
my knowledge and belief and accordingly I put my
signature to this verification this the 27th day of
August 2001 at my lawyers chamber.

S. Ramaswamy

Signature.

KENDRIYA VIDYALAYA SANGATHAN
18, Institutional Area
SHAHEED JEET SINGH MARG
NEW DELHI-110 016

F.1-3/TGT(Maths)/2001/KVS(Estt-III)

Date 25.2001

OFFICE ORDER

Due to fixation of staff strength in Kendriya Vidyalaya for the year 2001-02, the staff in excess of the sanctioned strength in certain Vidyalayas is required to be redeployed outside the region. Accordingly the following TGTs Maths are redeployed in Kendriya Vidyalayas shown against their names in public interest with immediate effect.

S. No	Name of the teacher	Redeployment		Remarks
		From	To	
BANGALORE REGION				
1	Sri KA. Krishnamurthy	ASC Centre	No.1 AFS Bhuj	
2	Sri HK. Subramanya	Hebbal	No.1 AFS Bhuj	
3	Sri MA. Jamadar	No.2 Belgaum	No.1 AFS Bhuj	
4	Sri PM. Narendran	Kannur	No.2 Bhuj	
5	Ms. Elsy Mahtew	Kudremukh	Silvassa	
6	Sri VK. Prabhakaran	Gulbarga	Bhav Nagar Para	
BHUBANESHWAR				
7	Sri S. Mitra	Khargapur IIT	Makda	
8	Sri SK. Rath	Bhubaneswar No.1	Tezu	
CHENNAI				
9	Sri Gangadharan	No.2 Palghat	Rajouri (Jammu)	
10	Sri PVV. Namboodiri	Pangode	Chamera No.1 (Jammu)	
11	Sri S. Ashokan	No.2 Tambaram	Tawang	
12	Sri S. Ramaswamy	OCF Avadi	Kailash Shahar	
13	Ms. Theresamma George	No.2 Cochin	No.1 Bhopal	
14	Ms. Valsamma Joseph	No.1 Cochin	Ariny Barrackpore	
DELHI				
15	Sri Roop Chand	Jharodakalan	No.3 Bathinda	
HYDERABAD				
16	Sri P. Bhaskar Goud	NFC Nagar	ONGC Cambay	
17	Ms. Deepa Mazumdar	CRPF Hyd'bad	Krishnanagar (Cal. Reg)	
18	Sri R. Ramaiah	No.2 Tirupati	ONGC Ankalshwar	
19	Ms. G. Satyavathy	Begumpet	Fortwilliam, Calcutta	
20	Ms. CH. Uma	Waltair	No.4 Pathankot	
JAIPUR				
21	Sri Deepak Shrivastava	No.1 Jaipur	Kasauli	
22	Sri R. C. Agarwal	No.1 Kota	No.2.3 BRD (Chandigarh)	

Alerted
A. P. Sharma
Advocate
27/8/2001

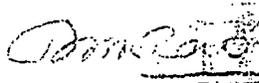
Mr. Chandraswamy, TGT (Maths)
25/8/2001

15
14

LUCKNOW			
23	Sri UK Bajpai	IIM Lucknow	Panchgram(Silchar-Reg)
24	Sri Abdul Ali Ansari	Gonda	Dinjan
25	Sri SK. Baish	Rae Bareli	Silchar
26	Sri VV. Sharma	No.2 Chakeri, Kanpur	Masimpur
27	Sri VD. Gautham	Agra No.2	Langjing
28	Sri RF. Upadhyay	Agra No.1	Kohima
29	Ms. Sudha Sharma	OEF Kanpur	Morena (Bhopal Reg)
MUMBAI			
30	Sri NG. Dhotre	NDA Khadkvasla	NTPC Jhanor
31	Sri SA. Suryavans	No.1 Ahmednagar	Kribhco Surat
32	Sri HS. Bagga	No.1 AFS Pune	Kribhco Surat
33	Sri RM. Mishra	No.1 Devlali	No.4 Bhatinda
PATNA			
34	Sri AK. Choudhary	Nankum	AFS Jorhat
35	Sri R. Mandai	Dhanapur Cantt.	Kokra Jhar
36	Sri B. Prasad	IOC Bauroni	Umroi Cantt.

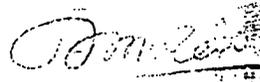
(Thirty six cases only)

This issues with the approval of the competent authority.


(M.K. RAO)
Dy. Commissioner (Admin)

Copy to:

1. Individuals concerned
2. The Principal, KV where the teacher is presently working with the direction to relieve the concerned teacher immediately latest by 5.5.2001 under intimation to this office. The Incumbent should be paid advance of TA as per KVS rules. In case the teacher is on leave / absent he/she should be relieved in absentia with immediate effect. On no account his/her relieving should be delayed.
3. The Principal of the KV where the teacher has been re-deployed is requested to intimate in the event of non availability of vacancy in his school to the Principal from where the teacher has been posted out and also to AC concerned and KVS(Hqs) telegraphically.
4. AC, KVS, RO concerned with the remarks to ensure compliance of the above orders and intimate the date of joining of the teacher.
5. Guard file
6. Transfer committee.


DY. COMMISSIONER (ADMN)

*Attested
A. Sharma
27/9/2001*

Central Administrative Tribunal

Madras Bench

...

Wednesday, the 25th day of April, Two Thousand One.

Present

Hon'ble Shri Justice S.S. Subramani, Vice-Chairman

and

Hon'ble Shri S. Bapu, Administrative Member.

M.A.No.254/2001 and OA 486/2001:

...

S. Ramaswamy

... Applicant

..vs..

1. UOI rep. by the
Secretary
Ministry of Human Resources
Development
New Delhi.
2. The Commissioner
Kendriya Vidhyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi-110 016.
3. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office
IIT Campus
Adayar, Chennai-36.
4. Kendriya Vidhyalaya
rep. by its Principal
OCF Avadi
Chennai-54.

M/s. N. Rajan

... Applicant's Counsel

..2..

Attested
A. B. Brahmachari
Administrative
27/9/2001

Order; Pronounced by the Hon'ble Shri Justice S.S. Subramani,
Vice-Chairman.

...

Heard the counsel for the applicant.

2. The applicant is now working as Trained Graduate Teacher at Avadi, Chennai. He was appointed as teacher in the year 1992. The grievance of the applicant is that he is likely to be transfered to some other place, which is not according to his choice. According to him, his wife and children who are studying are in Chennai and he wants a transfer in the place of his choice and he has already made representations on 31.1.2001 and a reminder on 10.4.2001. No orders have been passed by the respondents so far.

3. Taking into consideration the fact that no orders have been passed in the representation, we only direct the second respondent to dispose of the representation and pass orders on the same within a period of four weeks from the date of communication of this order. The applicant may also get a copy of this order and also copy of the OA and produce the same to the respondents for early action. MA and OA ordered. Registry to number the OA.



Mangile Muralidharan
9.5.2001
FOR
Dy. REGISTRAR (J)

Attested
Ae Bhavin
Adviser
27/5/2001

Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi-110016

No.F.19-366(3)/2001-KVS(L&C)

Date: 27/7/01

MEMORANDUM

Whereas Shri S. Ramaswamy, Trained Graduate Teacher (Maths) filed a case in OA No. 486 of 2001 in the Hon'ble Tribunal at Madras against his anticipated transfer on surplus grounds from Kendriya Vidyalaya, OCF Avadi, Chennai to other Kendriya Vidyalaya elsewhere.

2. Whereas the Hon'ble Tribunal, Madras Bench in its order dated 25.4.2001 passed the following directions :-

"The grievance of the applicant is that he is likely to be transferred to some other place, which is not according to his choice. According to him, his children who are studying in Chennai and he wants a transfer in the place of his choice and he has already made representations on 31.1.2001 and a reminder on 10.4.2001. No orders have been passed by the respondents so far.

Taking into consideration the fact that no orders have been passed in the representation, we only direct the second respondent to dispose of the representation and pass orders on the same within a period of four weeks from the date of communication of this order. The applicant may also get a copy of this order and also a copy of the OA and produce the same to the respondents for early action."

3. Whereas Shri S. Ramaswamy, TGT (Maths) has submitted representations dated 31.1.2001 and 10.4.2001 wherein he made the following submissions :-

- a) That he has been rendered surplus during 2001-2002 in KV, OCF Avadi. He requests that he be adjusted in KV, CISE, Thakkolam.
- b) That his wife is a state Govt. employee working in Tamil Nadu Secretariat whose job is non-transferable. That his eldest son is studying in a Higher Secondary School under

Attested
Ae Bhawanik
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27/7/2001

State syllabus. That his presence is very much essential at this stage of his studies to give proper guidance for his further studies. That he has to take care of his aged mother and to attend her medical needs.

- c) That one Mrs. S, Parvathi, TGT (Maths) from KV, CISF Thakkolam has tendered her proposal for voluntary retirement w.e.f. 1.8.2000 and he requests that he be adjusted against the resultant vacancy caused by retirement.
- d) That even though he is the senior most in terms of stay in KV, OCF Avadi, there is another teacher namely Mrs. Karthikeyan, TGT (Maths) who is serving in the same station since June, 1978.
- e) That he states that as in the case of transfers as per transfer guidelines seniority in terms of stay in the station is the criteria for transfer and the same yardstick be used in case of surplus transfers also.

3. Whereas the above said representations of the applicant have been carefully and sympathetically considered and he is hereby informed as follows :-

- i) Fixation of staff strength is an annual exercise in KVS. The Commissioner is the competent authority to determine the quantum of staff required for each Kendriya Vidyalaya. KVS (Hqrs.) issues staff sanction orders to each KV on year to year basis. Addition or deletion in the staff strength of a Vidyalaya during exercise of staff modification is a common and regular feature. Shri S. Ramaswamy TGT (Maths) is one of such teachers who had been rendered excess to required strength in that KV needing deployment/adjustment elsewhere.
- ii) Regarding the vacancy at KV, CISF Thakkolam caused by a teacher on her retirement, the respondent states that there is no vacancy existing in that KV as of now.
- iii) As far as the education of his son in the Higher Secondary Class under State syllabus, the respondent states that the employee on transfer would be subjected to some inconvenience but that by itself would not give him a lever to maintain that he has a right to work in a particular place as any shifting would cause him inconvenience. Transfers are the part and parcel of Govt. service and an employer has

Attested
A. Bhavanish
Acharya
27/8/2001

got the inherent right to transfer his employees from one place to another, especially in terms of the Article 49(k) of the Education Code and as per the service exigency.

- iv) As far as the transfer/deployment of surplus teachers, respondent states that in terms of policy guidelines on surplus identification and redeployment, a teacher with longest period of stay in that Vidyalaya and in that cadre is the first one to move out on transfer and not the senior most teacher in terms of stay in the station. Therefore, the transfer/deployment ordered to the applicant is strictly in accordance with the policy guidelines on surplus deployment.

4. In view of the position explained in the aforesaid paras, the applicant Shri S. Ramaswamy, TGT (Maths) since transferred/deployed to KV, Kailashahar is advised to join his duties at new place of posting immediately, if not joined earlier. Thus his representation is disposed of.


(H. M. CAIRAE)
COMMISSIONER 24/07/2001

✓ Shri S. Ramaswamy,
TGT (Maths),
Kendriya Vidyalaya,
OCF Avadi, Chennai.

Copy to :

1. The Principal, KV, OCF Avadi, Chennai-54 to intimate the date of relieving of the teacher.
2. The Principal, KV, Kailashahar (Silchar Region) to intimate the date of joining of the teacher.
3. The Assistant Commissioner, KVS, RO, Chennai/Silchar.
4. Transfer Committee.
5. L&C Section for needful action.

Attested
Ae Bhavani
Advocate
27/8/2001

Telegram:KEVISANG

Phone:2352359

KENDRIYA VIDYALAYA SANGATHAN
(Regional Office)I. I. T. Campus,
CHENNAI - 600036,
Dated: 20.10.2000.

No. F-1-Gen/2000-KVS (CHER)

To

The Principals,
KENDRIYA VIDYALAYAS,
CHENNAI REGION.

Sub: List of employees retiring on superannuation upto 31.12.2001

Sir/Madam,

Details of employees who are due to retire from the services of Kendriya Vidyalaya Sangathan on superannuation from NOVEMBER 2000 to DECEMBER 2001 is appended below for information and necessary action. Factual inaccuracies, if any, may immediately be brought to the notice of this office for rectification:-

Sl. No.	Name & Designation	Vidyalaya	Date of Birth	Date of regular apptt. in KVS (initial)
1	2	3	4	5
<u>NOVEMBER 2000</u>				
1.	Sudha Vasudevan, HM	Coimbatore	10.11.40	21.07.70
2.	MK Parameswaran, PET	AFS Avadi	15.11.40	02.08.71
3.	S. Agnes, TGT Eng.	AFS Sulur	15.11.40	20.07.78
<u>DECEMBER 2000</u>				
1.	VR Kanthamani, TGT(H)	Ashok Nagar	14.12.40	26.07.71
<u>JANUARY 2001</u>				
1.	KV Krishnamurthy, TGT	DGQA Chennai	02.01.41	05.10.68
2.	Alexander Mathew, Lab att.	NP Nagar	09.01.41	06.11.67
3.	Kamalamma Nair, TGT B.	Minambakkam	11.01.41	17.07.67
4.	R. Ganesan, V. Prl.	2 Tambaram	13.01.41	16.02.66
<u>FEBRUARY 2001</u>				
1.	E. Thomas, PRT	Pangode	05.02.41	17.08.67
2.	NV Nambudiripad, Prl.	Malapuram	15.02.41	07.08.65
<u>MARCH 2001</u>				
1.	S. Mukundarajan, H.C	I. Trichy	05.03.41	01.09.66
<u>APRIL 2001</u>				
1.	P. Devi, SUPW	Malapuram	10.04.41	08.07.76
2.	K. Nirmala Devi, HM	CLRI Chennai	12.04.41	10.08.67
3.	KG Sumathykutty Anna, TGT Hindi	PT Cochin	19.04.41	10.08.70
<u>MAY 2001</u>				
1.	AN Nag, H.M	1. Port. Blair	12.05.41	12.11.70
2.	VL Chellamma, TGT H.	2 Tambaram	29.05.41	07.08.70
<u>JUNE 2001</u>				
1.	M. Radhakrishnan, SUPW	1 Palghat	17.06.41	03.07.72
2.	K. Rajalakshmi, PRT	CLRI Chennai	24.06.41	03.07.72
3.	Anly Earnest, V. Prl.	IIT Chennai	28.06.41	16.06.66
	P. Saraladevi, TGT S.S	Malapuram	01.07.41	15.09.70

Attached
to P. Saraladevi
27/10/2001

JULY 2001

- | | | | |
|----------------------|-----------|----------|----------|
| 1. M.Copinathan, H.C | Ottapalam | 03.07.41 | 07.08.70 |
| 2. S.Jayaraman, Gp.D | HVF Avadi | 21.07.41 | 01.05.64 |

AUGUST 2001

- | | | | |
|-------------------------------|--------------|----------|----------|
| 1. Y.Annykutty, TGT S.St. | PT Cochin | 02.08.41 | 17.07.68 |
| 2. Lydia L.Lasarado, TGT Mat. | CLRI Chennai | 03.08.41 | 03.07.67 |
| 3. PK Balachandran, L.Asst. | I.Kozhikode | 08.08.41 | 23.06.67 |
| 4. M.Soudamini, Principal | 2.Palghat | 15.08.41 | 14.10.66 |
| 5. H.Bagyalakshmi, Principal | Ashok Nagar | 22.08.41 | 27.06.73 |

SEPTEMBER 2001

- | | | | |
|-------------------------------|----------------|----------|----------|
| 1. AK Kusuma Kumari TGT Mat. | PT Cochin | 02.09.41 | 24.09.74 |
| 2. Neela Durai, H.M | AFS Avadi | 07.09.41 | 21.06.65 |
| 3. Ambulu, TGT S.St. | CLRI Chennai | 22.09.41 | 17.10.72 |
| 4. AK Raghavan Unni, TGT Eng. | I.Palghat | 22.09.41 | 02.08.71 |
| 5. A.Ramankutty, Lab.Att. | AFS Trivandrum | 01.10.41 | 01.07.64 |

OCTOBER 2001

- | | | | |
|-------------------------------|-------------|----------|----------|
| 1. L.Sadasivam, Lab.Asst. | IIT Chennai | 02.10.41 | 20.01.66 |
| 2. V.Bhaskara Pillai, L.Asst. | I.Kozhikode | 28.10.41 | 01.07.6 |

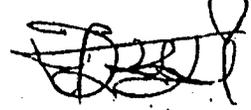
NOVEMBER, 2001

- | | | | |
|------------------------------|-------------|----------|----------|
| 1. B.SoundaraRajan, SUPW | Gillnagar | 03.11.41 | 20.06.59 |
| 2. S.Soosai, Gp.D | Karaikudi | 07.11.41 | 02.08.82 |
| 3. C.Solomon, TGT Maths | AFS Avadi | 13.11.41 | 04.07.78 |
| 4. P.Radha, PRT | I.Kozhikode | 24.11.41 | 03.08.66 |
| 5. Vishnu Nambissan, PGT.His | I.Kozhikode | 01.12.41 | 01.11.71 |

DECEMBER, 2001

- | | | | |
|-------------------------------|--------------|----------|----------|
| 1. Glory James, PGT Eng. | DGOA Chennai | 16.12.41 | 11.07.66 |
| 2. S.Vijayan, PET | Ashok Nagar, | 17.12.41 | 03.08.63 |
| 3. N.Dayasheela, TGT Bio. | I.Cochin | 31.12.41 | 01.03.71 |
| 4. TS Padmavathi, Mus.Teacher | 2.Tambaram | 01.01.42 | 01.07.69 |

Yours faithfully,



(P.S.N. Raju)

ASSISTANT COMMISSIONER

Copy to:-

1. Dy.Commissioner (Fin) KVS New Delhi - for information with reference to Art 160(2) of Accounts Code.
2. Accounts-cum-Inspecting Officer, KVS Chennai
3. The Recognised Service Associations, KVS Chennai Region
AIKVTA/RKVAS(J)/KEVINTSA

ASSISTANT COMMISSIONER

20102000

Attested
 Ac. Pravin
 Adv. Govt.
 27/8/2001

To
The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeeb Singh Marg,
New Delhi - 110016.

Through proper channel.

Ref :- M.A. No. 254/2001

AND

CA 486/2001.

IN BETWEEN

S. RAMASWAMY

Vs.

Union of India and others before the
Central Administrative Tribunal,
Madras Branch. (Disposed on 25th April,
2001)

Sub:- Representation for sympathetic consider-
ation regarding transferring me by modi-
fying the transfer order dt. 2-5-2001
from Kendriya Vidyalaya, Kailashahar to
Kendriya Vidyalaya, D.G.S.A. Complex,
Pazhavanthangal, Chennai - 600114 as
a vacancy will be arisen on 30th Nov.,
2001 due to the retirement of MRS Solomon,
trained graduate teacher(Maths).

Sir,

I have the honour to inform you that I am a trained
graduate teacher(Maths) serving at Kendriya Vidyalaya,
Kailashahar, under Silchar Region since 16th May, 2001.

That Sir, I was originally appointed as PRT in the year
1977. Thereafter I got promotion to the post of trained
graduate teacher(Maths) in the year 1987 and served according-
ly in various Kendriya Vidyalayas. Now on 2nd May, 2001 I
have been transferred to Kendriya Vidyalaya Kailashahar on
surplus ground.

Contd.....P/2

Attended
As per
Advance
27/2/2001

That Sir, being a married man I have got my wife, who is working as a stenographer in Secretariate under the State Government of Tamilnadu and her job is nontransferable. My son is studying in a College at Chennai and my daughter is studying in Kendriya Vidyalaya OCP Area, Chennai where I was working before coming to Kailashahar. Further I have my old and ailing mother, 72 years old who is also suffering from various old aged diseases. I am to look after my old mother at her last days. There is no guardian or sole member to look after my family there. My son & daughter are aged about 18 and 15 years which is vital time in the tenure of a human life. At this stage an active guardian or father is very much needed to stay with that youth son and daughter for controlling and guiding properly from all aspects so that they may proceed properly. Moreover, the age mentioned above are the prime time of the human life for their bright and future prospect, without proper guidance which is not possible in any way.

It is mentioned here that every Father has a moral duty and obligation towards their son and daughter and to build up their career for future and for which guardian is required to stay in that place or nearby place so that he can look after and guide them.

Moreover my mother aged about 72 years lying on sick bed needs my help. At these stages my mother expects me to stay with her. Hence I am most humbly and cordially requesting you to consider the facts and circumstances stated above and to modify the transfer as per my requisition.

That Sir, Mrs. Solomon TWT(Metha) is going to be retained in November, 2001 from Kendriya Vidyalaya, OCP Complex, Pantheon-changal, Chennai - 600114.

In this respect I beg to admit that on earlier occasion vide memorandum No. P.18-346(1)/2001-KV(L & C) dated 27-7-2001 stated that you have considered my representation but due to non availability of vacancy at KV, OCP, Thakkalam I have not been accommodated there.

Now it is for your kind inference and sympathetic consideration that one Mrs. Solomon TWT(Metha) will retire on 30th November, 2001 from Kendriya Vidyalaya OCP Complex, Chennai - 600114 as such I may be accommodated by way of modification of earlier transfer order dated 2nd May, 2001 under office

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order No.P.1-2/TOT(Maths)/2001/KVA/Stat-III) for equity, good conscience and for fair ends of justice, so that I may be able to render my service effectually as referred above.

I would like to mention here that I have already complied the transfer order dated, 2-2-2001(surplus) and serving at Kendriya Vidyalaya, Kailashahar for last 3(Three) months. Moreover in my total service career I have served in various places without any objection in my past with all sincerity, honesty with great devotion and dedication with my service and to the utmost satisfaction of the concerned authority, staff and student without any blemish at any point of time.

Under the above facts and circumstances I most fervently request your honour would be pleased to consider the above facts and circumstances and would be further pleased to transfer me to Kendriya Vidyalaya, DDA Complex, Channel-600116 by modifying the transfer order dated 2-2-2001 on humanitarian consideration and for which gracious act of kindness I shall remain ever grateful to you. I shall not claim any V.A. D.A. for this transfer modification. With highest regards.

Dated :- 16/08/01

Yours faithfully,
S. Ramanam
(S. RAMANAM)
TOT(Maths)
KENDRIYA VIDYALAYA
KAILASHAHAR
PIN :- 799277.

Attested
Ac. Shankar
27/8/2001