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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 231/2003

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. OA-231/2003Pg. 1to. 2
2. Judgment/Order dtd. 17/10/2003Pg. No report order disposed
3. Judgment & Order dtd.Received from H.C/Supreme Court
4. O.A. 231/03Pg. 1to. 31
5. E.P/M.P.Pg.to.
6. R.A/C.P.Pg.to.
7. W.S.Pg.to.
8. Rejoinder.Pg.to.
9. Reply.Pg.to.
10. Any other Papers.Pg.to.
11. Memo of Appearance.
12. Additional Affidavit.
13. Written Arguments.
14. Amendment Reply by Respondents.
15. Amendment Reply filed by the Applicant.
16. Counter Reply.

SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 231/03

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants: - K. Rajendra

Respondants: - Govt. of Assam

Advocate for the Applicants: - Mr. Adil Ahmed

Advocate for the Respondants: - KVS

Notes of the Registry	Date	Order of the Tribunal
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17.10.2003

The issue relates to change of place of posting inconformity with the transfer policy. The applicant while working as Lower Division Clerk at KVS, Madurai was declared surplus and pursuant thereto he was transferred to KVS, Bokajan vide order dated 29.11.2002. The applicant accordingly joined at KVS, C.C.I., Bokajan, Karbi Anglong, Assam. The applicant made request in prescribe form through proper channel for transferring him to his home town preferably at Karaikudi, Tamilnadu. The applicant also asserted that one post of Lower Division Clerk at Kendriya Vidyalaya, Mandapam is vacant due to resignation of Mrs. V. Savithri. The O.A. is preferred by the applicant for change of place of posting because of his personal inconvenience and domestic problems. The grievance of the applicant can only be taken care of by the administration.

Application is in
m but not in time
donation Petition is
iled / not filed C F
er Rs. 50/ deposited
IPO/No. 89 484028
Dated 9/10/03.

[Signature]
Dr. Rajendra

Steps Taken

[Signature]
16/10/03

I have heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. M.K. Mazumdar, learned counsel for the respondents at length. Mr. A. Ahmed, learned counsel for the applicant brought my attention to the representation submitted by the applicant to the respondent No.2, The Commissioner, Kendriya Vidyalaya Sangathan, New Delhi-16 dated 2.3.2003 as well as representation dated 16.4.2003 Annexure -E and E1 respectively.

Considering the facts and circumstances of the case, I am of the opinion that ends of justice will be met if a direction is issued on the respondents to dispose of the aforesaid two representations submitted by the applicant. The applicant may also prefer a fresh representation with three weeks from the date of receipt of the order. If such representation is made by the applicant, the respondents may also consider the case of the applicant and pass appropriate order as per law in the facts and circumstances of the case as early as possible preferably ^{within} a month thereafter and allay the grievance of the applicant.

Subject to the observation made above, the application is disposed of. There shall, however, be no order as to costs.

Vice-Chairman

23/10/2003

Copy 2/10

order has been sent to the D/Sec for 100% fee due to the parties.

SS

Received Copy
M.K. Mazumdar
Advocate
27/10/03

the applicant (through proper Channel) before the Respondent No. 2. *Page 20 to 21*

Annexure-B Photocopy of priority list of LDC-I & II for posting of LDC to Karaikudi as per Kendriya Vidyalaya Sangathan website dated 14-01-2003. *Page - 22*

Annexure-C Photocopy of letter dated 10-01-2003. *Page - 23 to 24*

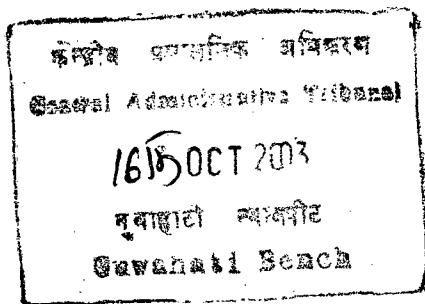
Annexure-D Photocopy of Modified Priority list of LDC I & II displayed on the website of Kendriya Vidyalaya Sangathan on 04-02-2003. *Page - 25*

Annexures-E & E/1 Photocopies of representation dated 02-03-2003 and 16-04-2003 submitted by the applicant. *Page - 26 to 27*

Annexure-F Photocopy of Legal Notice .
Dated 25-05-2003. *Page-28 to 30*

Annexure-G Photocopy of Office
Memorandum No. F 4-50/2003-
04/KVS (CHER)/10326 dated 29-
07-2003. *Page-31*

The applicant is working as Lower Division Clerk, Kendriya Vidyalaya C.C.I., Bokajan, Karbi Anglong, Assam. This Original application is made for seeking a direction from this Hon'ble Tribunal to the Respondents to disposed of the representations of the applicant dated 02-03-2003 and 16-04-2003 submitted before the Respondents requesting them for inclusion of his name in the priority list for choice place of posting for the year 2003-04 as per earlier priority list where the applicant's name was in first position (Serial No.1) at list I & II along with other employees.



Filed by
Shri K. Rajendran
Applicant
Through [Signature]
(ADIL AHMED)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION OF 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. OF 2003.

BETWEEN

Shri K Rajendran,
Lower Division Clerk,
Kendriya Vidyalaya,
C. C. I. Bokajan,
P.O.- Bokajan,
Karbi Anglong, Assam.
PIN- 782490.

-Applicant.

-AND-

- 1) The Union of India,
represented by the Secretary to
the Government of India,
Ministry of Human Resource
and Development, New Delhi.

2) The Commissioner, Kendriya
Vidyalaya Sangathan,
Head Quarter, 18 Institutional
Area, Shaheed Jeet Singh Marg,
New Delhi - 16.

3) The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
I.I.T. Campus, Chennai-36.

4) The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
(RO), Silchar, Cachar, Assam.

- Respondents.

1) DETAILS OF THE APPLICATION

I) PARTICULARS OF THE ORDER AGAINST WHICH
THE APPLICATION IS MADE:

This application is not made against any
particular order but it is made for
seeking a direction from this Hon'ble
Tribunal to the Respondent to dispose of
the representation of the applicant dated
02-03-2003 and 16-04-2003 submitted before

the Respondents and also for inclusion of name of the applicant in the priority list of Choice Place of Posting for the year 2003-04 as per earlier priority list where the applicant's name was in first position (Serial No. 1) at list I & II alongwith other employees.

2) JURISDICTION OF THE TRIBUNAL:

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

3) LIMITATION:

The applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4. 1] That your humble applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India.

4.2] That your applicant is working as Lower Division Clerk, Kendriya Vidyalaya, C.C.I. Bokajan, Karbi Anglong, Assam. He is serving in the Kendriya Vidyalaya Sangathan since 04-12-1984.

4.3] That your humble applicant begs to state that earlier he was serving at Kendriya Vidyalaya, Madurai. The applicant was declared surplus at Kendriya Vidyalaya, Madurai. Thereafter, he was transferred from Kendriya Vidyalaya, Madurai to Kendriya Vidyalaya, Bokajan vide F. No. 13(SUR)/2002-KVS(E-III) dated 29-11-2002. Accordingly he was relieved from Kendriya Vidyalaya, Madurai on 16-12-2002 and he joined at Kendriya Vidyalaya, C.C.I., Bokajan, Karbi Anglong, Assam on 30-12-2002.

Annexure-A is the photocopy of F. No. 13(SUR)/2002-KVS(E-III) dated 29-11-2002.

4.4] That your applicant begs to state that while he was serving at Kendriya Vidyalaya, Madurai he filed an application for transfer on

request in the prescribed format (through proper channel) to Karaikudi (Tamilnadu) his Home Town. The Station Code Number of Karaikudi (Tamilnadu) is 389 as per transfer guideline. Accordingly, the applicant's name was listed in Serial No. 1 in Priority List I & II. But in the mean time the applicant was transferred on the ground of surplus staff from Kendriya Vidyalaya, Madurai to Kendriya Vidyalaya, Bokajan, Karbi Anglong, Assam which is about 3,000 K.M. (Three thousand Kilometer) away from his home town, Karaikudi, Tamilnadu. He immediately filed a representation before the Respondent No. 2 for change of place of posting. It is pertinent to mention here that the applicant's second son, who was studying at Class-X, died in train accident in Madurai on 30th May 2002 while the applicant was serving at Madurai.

Annexure-A(i) is the photocopy of representation dated 07-12-2002 submitted by the applicant (through proper channel) before the Respondent No. 2.

4.5] That your applicant begs to state that his name in priority list I & II for transfer to Kendriya Vidyalaya, Karaikudi (Tamilnadu) was at Serial No. 1 till 14-01-2003. The said list was ~~published~~ ^{displayed} in Kendriya Vidyalaya Sangathan Web Site on 14-01-2003. L1

Annexure-B is the photocopy of priority list of LDC I & II for Posting of LDC to Karaikudi as per Kendriya Vidyalaya Sangathan Web Site dated 14-01-2003.

4.6] That your applicant begs to state that after joining Kendriya Vidyalaya, C.C.I. Bokajan, Karbi Anglong, Assam he informed the Respondent No. 2 about his change of place of working from Kendriya Vidyalaya, Madurai to Kendriya Vidyalaya, C.C.I. Bokajan, Karbi Anglong, Assam vide his letter dated 10-01-2003 on the ground that he may not face any problem at the time of his transfer on the basis of earlier priority list for request transfer I & II.

Annexure-C is the photocopy of letter dated 10-01-2003.

4.7] That your applicant begs to state that the Respondents displayed the modified Priority List I & II on 04-02-2003 on their web site but in the modified priority list No. I the name of the applicant appeared in priority position No. 3 for station code 386 (Karaikudi, Tamilnadu) whereas the Respondents have arbitrarily deleted the name of the applicant in priority list No. II. Most surprisingly, in absence of any specific request from the applicant the Respondents have arbitrarily deleted the name of the applicant from priority No. II. The applicant has only requested the Respondents to change the place of working from Madurai (Tamilnadu) to Bokajan (Assam).

Annexure-D is the photocopy of modified Priority List I & II displayed on the web site of Kendriya Vidyalaya Sangathan on 04-02-2003.


4.8] That your applicant begs to state that he filed a representation dated 02-03-2003^{16.04.2003} before the Respondent No. 2 through proper¹² channel requesting for inclusion of his name in the transfer priority list II in the web site.

But till now the Respondents have not taken any step for change of Priority Lists. Hence, finding no other alternative the applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

Annexure-E & E/1 are the photocopies of representation dated 02-03-2003 and 16-04-2003 submitted by the applicant.

4.9] That your applicant begs to state that similarly situated Lower Division Clerks, Sri P. Aathinathan, Sri T Rabi Kumar, Sri K Balraj and T. G. Ilangovan who were declared surplus like your applicant during the year 2002 and they have applied for choice place of posting under application No. 160248, 160593 and 160318 respectively. They were again reposted (By Displacing) to Chennai Region as their own choice as per priority list II in the month April 2003.

4.10] That your applicant begs to state that the Respondents after knowing that they have committed an error in deleting the applicant's name from priority list No. II they have not corrected the error even after representing the matter by the applicant. The Respondents have transferred one Lady, Lower Division Clerk, namely, Smti. S. Vijayalakshmi to Kendriya



15

9

Vidyalaya, Karaikudi (Tamilnadu) violating the transfer guideline in spite of higher priority position of the applicant.

4.11] That your applicant begs to state that your applicant served a legal notice to the Respondents on 25-05-2003 but the same was not answered by the Respondents, the reasons are best known to them.

Annexure-F is the photocopy of Legal Notice dated 25-05-2003.

4.12] That your applicant begs to state that he was transferred from Kendriya Vidyalaya, Madurai to Kendriya Vidyalaya, C.C.I. Bokajan, Karbi Anglong, Assam which is more than 3,000 K.M. far away from the native place of the applicant. Generally, the Group-C and Group-D employees like your applicant are not transferred. The applicant is only the bread-earning member of his family. He is a low paid employee and now he is compelled to run with two establishments, at Madurai and Bokajan, Karbi Anglong, Assam.


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4.13] That your applicant begs to state that one post of Lower Division Clerk at Kendriya Vidyalaya, Mandapam, Tamilnadu is vacant from 08-08-2003 due to resignation submitted by Mrs. V. Savithri, Lower Division Clerk as per Office Memorandum No. F 4-50/2003-04/KVS (CHER)/10326 dated 29-07-2003. Your applicant can be easily absorbed in the said post.

Annexure-G is the photocopy of Office Memorandum No. F 4-50/2003-04/KVS (CHER)/10326 dated 29-07-2003.

4.14] That your applicant submits that the Respondents have deliberately and intention-ally discriminated applicant by deleting his name from the priority list.

4.15] That your applicant submits that he carried out his transfer order to Bokajan, Karbi Anglong, Assam as per direction of the Respondents and he is serving the Department with utmost sincerity and full satisfaction to the authority concerned. But the Respondents have not given weightage about his problem.



4.16] That your applicant submits that the procedure adopted by the authority in case of the applicant is improper, illegal, malafide and without jurisdiction.

4.17] That your applicant submits that he has got reason to believe that the Respondents are resorting the colorable exercise of power to accommodate their interested persons in their favorable place.

4.18] That your applicant submits that the action of the Respondents by which the applicant has been deprived of his legitimate rights is arbitrary. It is further stated that the Respondents have acted with a mala-fide intention only to deprive the applicant from his legitimate rights.

4.19] That your applicant submits that the action of the Respondents is highly illegal, improper, whimsical and also against the transfer policy adopted by the Kendriya Vidyalaya Sangathan.

4.20] That your applicant submits that the Respondents have violated the fundamental rights of the applicant.

4.21] That in view of the facts and circumstances it is a fit case for interference by the Hon'ble Tribunal to protect the interest of the applicant and his family members.

4.22] That this application is filed bona fide and for the interest of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1] For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, mala-fide, arbitrary and without jurisdiction and hence, the same is liable to be set aside and quashed.

5.2] For that, the Respondent has not considered their own guideline regarding choice place of posting. As such, there is no

✓

jurisdiction in denying the said benefit to the applicant.

5.3] For that, it is settled proposition of law that when the same principle have been laid down in given cases, all the persons who are similarly situated should be granted the same benefit.

5.4] For that, the Respondents have violated the Article 14, 16 and 21 of the Constitution of India.

5.5] For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.

5.6] For that, the applicant's case is genuine and need to be considered by the Respondents due to facts and circumstances narrated above.

5.7] For that, the deleting the name of the applicant from the modified transfer Priority List No. 2 is bad in the eye of law and is liable to be set aside and quashed.

5.8] For that, similarly situated persons who are given the benefit of choice place of posting, the Respondents being model employer cannot deprive the benefit to the applicant without any reasons or causes.

5.9] For that, in any view of the matter the action of the respondents are not sustainable in the eye of law and as well as fact.

The applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED :

That there is no other alternative and efficacious remedy available to the applicant except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to admit this application and also may be pleased to dispose of the instant original application at the admission stage by directing the Respondents:

- I) to dispose of the representation of the applicant dated 02-03-2003 and 16-04-2003 submitted before the

Respondent and also for inclusion of name of the applicant in the priority list of Choice Place of Posting for the year 2003-04 as per earlier priority list where the applicant's name was in first position (Serial No. 1) at list I & II alongwith other employees:

III] to pass any other relief or relives to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

9) INTERIM ORDER PRAYED FOR:

The applicant most respectfully prays for interim order from this Hon'ble Tribunal directing the Respondents to keep one post of LDC vacant in around Karikundi, Tamilnadu, Kendriya Vidyalaya, Mandapam or any new school likely to be opened in Tamilnadu till disposal of the representations of the applicant.

②

10] Application Is Filed Through
Advocate.

12] Particulars of I.P.O.:

I.P.O. NO. 8 G 484028

Date Of Issue 7.9.2003

Issued from Guwahati G.P.O.

Payable at Guwahati

13] LIST OF ENCLOSURES:

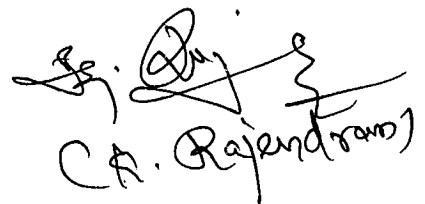
As stated above.

...Verification.

VERIFICATION

I, Shri K Rajendran, Lower Division Clerk, Kendriya Vidyalaya, C. C. I. Bokajan, P.O.- Bokajan, Karbi Anglong, Assam, PIN- 782490 do hereby solemnly verify that the statements made in paragraphs are true to my knowledge 4.1, 4.2, 4.5, 4.8, 4.10, 4.12 those made in paragraphs 4.3, 4.4, 4.6, 4.7, 4.11, 4.13 are being matters of records are true to information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification today on this the 16th day of ~~October~~ 2003 at Guwahati.


C.A. Rajendran

Declarant

KENDRIYA VIDYALAYA SANGATHAN
18, INSTITUTIONAL AREA
SHAHID JEET SINGH MARG
NEW DELHI-110016

L.No.13-1(SUR)-2002-KVS(E.III)

DATED:29.11.2002

OFFICE ORDER

Due to fixation of staff strength in Kendriya Vidyalayas for the year 2002-2003 the staff in excess of the sanctioned strength in certain vidyalayas is required to be redeployed. Accordingly, the following LDCs are redeployed in the Kendriya Vidyalayas shown against their names in public interest with immediate effect:

BANGALORE REGION:

S.No.	Name	Present KV	Redeployed to
1	Sh.Hari Somesh Wasan KB	No.2 Jalhalli	Regional Office Hyderabad
2	Sh.M.Chandrashekharan	ASC Bangalore	ONGC Agartala

HYDERABAD REGION:

S.No.	Name	Present KV	Redeployed to KV
1	Smt.K.Meghana	AFS Begumpet	No.1 Uppal

JAIPUR REGION:

S.No.	Name	Present KV	Redeployed to KV
1	Sh.KR Jat	No.4 Jaipur	Jhunjhunu
2	Sh.Ratan Singh	Nasirabad	Regional Office, Bhopal
3	Sh.Om Prakash Rajoria	Bharatpur	AFS Anila

JAMSHEDPUR REGION:

S.No.	Name	Present KV	Redeployed to KV
1	Sh.Abdul Majid	No.1 Udhampur	No.2 Chamera

PATNA REGION:

S.No.	Name	Present KV	Redeployed to KV
1	Sh.S.Kumar	Kedlanagar	Krishnanagar

CHENNAI REGION:

S.No.	Name	Present KV	Redeployed to KV
1	Sh.Kangathan V	IIT Chennai	Trichy
2	Sh.Ravikumar T	No.1 Afakonam	Palaghat
3	Sh.Hangavan TG	Pallipuram	Calicut
4	Sh.Palraj K	No.1 Tambaram	No.2 Port Blair
5	Sh.Ramasatray P	AFS Sullur	No.1 STC Jabalpur
6	Sh.Athinathan P	Ashok Nagar	Bengdubi
7	Sh.Sankaranarayan OM	Onapalam	Zakhama
8	Sh.Rajshekar SV	CLRI Chennai	Burdwan
9	Sh.Rajendran K	Madurai	CCI Bokajan

DELHI REGION:

S.No.	Name	Present KV	Redeployed to KV
1	Shri Ved Prakash	Sec.4 RK Puram	Mandi
2	Shri SK Bhalla	Panipat	Mullanpur
3	Smt.Meena Kaul	No.1 Delhi Cantt	No.1 Faridabad
4	Mrs.Usha Devi	No.2 Hindon	No.1 Sirsa
5	Smt.Subha Sarin	Lawrence Road	No.2 Patiala

(P.VENTY 2002-03)

(P.DEVASENA)
EDUCATION OFFICER

Atty
J.P.
Advocate

= 20 =

ANNEXURE-A 20

From
K. Rajendran, L.D.C.
Kendriya Vidyalaya
Madurai-623 002
Tamil Nadu

Madurai
7.12.02

To

The Commissioner
Kendriya Vidyalaya Sanghathan
New Delhi

THROUGH PROPER CHANNEL

Sub.: REQUEST FOR CHANGE OF PLACE OF POSTING - REG.

Sir,

I seek your kind permission to putforth the following request, for your kind consideration, in connection with my transfer on surplus ground from Kendriya Vidyalaya, Madurai (Tamil Nadu) to Kendriya Vidyalaya, Bokajan (Assam) vide your transfer order No. F.NO. 12- date (SUR) 2002 - KVS (E-III) dated: 29.11.2002

1. On 30th May 2002, my second son aged 16 years died in train accident in Madurai. He was studying in class X in a local school. Myself and my family have not recovered from the shock till now. In the meantime, the transfer order re-deploying me to Kendriya Vidyalaya, Bokajan is thrust upon me, at a distance of 3000 KM away from my home town Karaikudi (Tamil Nadu).
2. My first son is studying in an Engineering College in Madurai, having studied state syllabus under Govt. of Tamil Nadu. At this stage of his studies, it is quite impossible for me to shift him to my place of posting, which would mean total disruption of his studies, adversely affecting his career. Having lost the valuable life of my second son, it is incumbent upon me to see that my first son does his studies un-interruptly. It is the crucial time for him to pursue his studies, under the parental guidance. I can not leave him alone in any hostel in Madurai as it would be too costly to meet his educational expenses with my meagre income as L.D.C.
3. I had infact applied for transfer to Kendriya Vidyalaya, Karaikudi during 2001-2002. In which my position of priority is one for Karaikudi. I was hoping to get my posting to Karaikudi under displacement policy of Kendriya Vidyalaya Sanghathan. But I did not get my transfer at all while similarly placed employees had been transferred to their choice places, even though they are rendered surplus. It is painful for me that I had not been granted my request transfer to my choice place, inspite of my having higher priority position.

Attested
[Signature]
Advocate

4. I am a L.D.C. with meagre salary. It would be too difficult for me to manage in the North East area where language and culture are entirely different. I am the sole bread winner of my family as my wife is a housewife. With my meagre income I can not run two establishments beside meeting the educational expenses of my son. It is needless to say that an L.D.C. with his meagre income can hardly run an establishment in North East beside funding my son to meet his educational expenses in Madurai.

In view of the genuine problems stated by me, I request you to kindly consider my request sympathetically on compassionate grounds and modify the place posting to any school in Chennai region (except Andaman and Nicobar Island) so that I shall be in an assessable distance to reach my only son whose life is most precious to me.

Hope to get favourable orders soon.

Thanking you,

Yours faithfully,

(K. RAJENDRAN)

Encl: Hospital (and medical) Department.

Copy to:

The Joint Commissioner (Admn.)
Kendriya Vidyalaya Sangathan
New Delhi.

Ref: KV/MSU no. 1/13/2000-02/1206 2/120, Dtd: 09.12.2000

Recommended and forwarded for favourable orders please

11.02.01
09/12/01

Attested
J.L. Advanta

22 -

ANNEXURE - B

23

As on 14.01.2003


LDC LIST 01 TO KARAIKUDI (PREVIOUS)

Application No.	Name	Current KV Posting	Current Station	Transfer Station/KV	Priority No.	Choice No.
160011	K Rajendran	1737	389	386	1	1
160500	S Vijayalakshmi	1739	391	386	2	2
160318	K Balraj	1722	382	386	3	5
160744	A Chellappa	1744	395	386	4	2

As on 14.01.2003

LDC LIST 02 TO KARAIKUDI (Previous)

Application No.	Name	Current KV Posting	Current Station	Transfer Station/KV	Priority No.	Choice No.
160011	K Rajendran	1737	389	386	1	1
160500	S Vijayalakshmi	1739	391	386	2	2
160318	K Balraj	1722	382	386	3	5



 District

 District

= 23 -

29

ANNEXURE - C

From
K. Rajendran
LDC, Kendriya Vidyalaya,
CCI, Bokajan
Assam, 782490

To
The Commissioner
Kendriya Vidyalaya Sangathan
New Delhi

Through Proper channel

Sub: Regarding modification of working place in the priority list No. I & II of Annual
Transfer for the year 2003-04. (Application No. 160011)

Respected Sir,

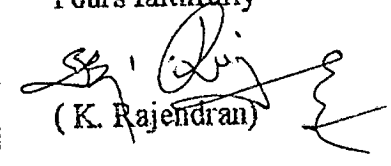
With due respect I beg to lay before you the following few lines for favour of
your kind consideration and necessary action.

That Sir, I am a bonafied employee of KVS and had been serving in the capacity of
LDC in KV Madurai since 04/2/1984 to 16/12/2002. In December 2002, I had been transferred
on surplus ground to KV CCI, Bokajan (Region Code : 18, Stn. Code 439, School Code: 1809)
vide KVS letter no. F.13-1/(SUR)/2002-KVS(E.III) dtd. 29-11-2002 and I joined in this
Vidyalaya on 30-12-2002. In this connection I would like to mention that I had applied for
annual transfer on request from KV Madurai (Region Code:16, Stn. Code: 389, School Code:
1737) to KV Karaikudi (Region Code: 16, Stn. Code: 386, School Code: 1734) for the year
2003-04 in the month of September 2002. Accordingly I came to know through the KVS website
that my name has got 1st position in KV. Karaikudi in the priority list no. I & II (My Application
No in the Priority list is 160011).

You are therefore requested to treat my present working place as KV CCI,
Bokajan, Assam instead of KV Madurai in the priority list I & II. So that I may not face
any problem at the time of my transfer.

Thanking you.

Yours faithfully

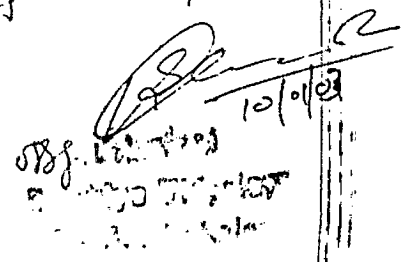

(K. Rajendran)

Place: KV CCI Bokajan
Date: 10.01.2003

Enclosed : Xerox copy of the priority list I & II

F. no. Adm - 2/KVB/2002-03/ 538 & 539 Dt. 10-01-03.

Submitted for necessary action please.


10/01/03

Attested


242

30

KENDRIYA VIDYALAYA SANGATHAN

REPRESENTATION FOR RECTIFICATION OF ERROR/CANCELLATION OF
CHOICE STATION REQUEST TRANSFER APPLICATION FORM 2002-2003

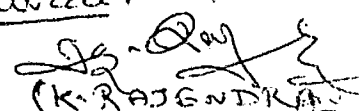

Ref: KVB/Admn-2/2002-03/514

Date: 15.01.2003

To
The Deputy Commissioner (Admn.),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.

28/1/02

Through the Proper Channel.

1. Unique Application No. : 160011
2. Name of the Applicant : Mr. K. Rajendran.
3. Post and subject with Code No. : LDC, NTS, LDCL.
4. K.V. where working with Code No. of K.V. : K.V. CGI, Bokajan. 439
School Code No. 1809
5. Request of applicant in brief
(Specific request may be made with ref. to the application already made) :
 1. Applied from K.V. Madurai
Code No. 389, School C. No. 17.
 2. Transferred on surplus ground to K.V. Bokajan vide KVS letter No. 13-1/SUR/2002-KVS (E-III) dated 12-11-02.
 3. Joined duty on 30-12-02.
 4. Treat my present working place as K.V. Bokajan instead of K.V. Madurai.
6. Signature of the Applicant with date :

(K. RAJENDRAN)
7. Signature of the Principal with date, seal and comments :

He has been relieved from K.V. Madurai on 16.12.2002 on surplus ground and joined duty on 30.12.2002. He has applied for K.V. Madurai for the month of September 2002. Hence his present working place may please be treated as K.V. Bokajan instead of K.V. Madurai in the priority list No. I & II. So there may not be any problem on the date of his transfer.

Attested
Advocate

offg. Principal
Kendriya Vidyalaya
CGI, Bokajan

LIST 2 MODIFIED 04.02.03

-25-
ANNEXURE-D

Application No.	Name	Current KV Posting	Current Station	Transfer Station/KV	Priority No.	Choice No.
160500	S Vijayalakshmi	1739	391	386	1	2
160318	K Balraj	1722	382	386	2	5

LIST 1 MODIFIED. 04.02.03

Application No.	Name	Current KV Posting	Current Station	Transfer Station/KV	Priority No.	Choice No.
160318	K Balraj	1722	382	386	2	5
160011	K Rajendran	1809	439	386	3	1
160744	A Chellappa	1744	395	386	4	2
160500	S Vijayalakshmi	1739	391	386	1	2

Attested
J.L. → Adm. G

From

K. RAJENDRAN, L.D.C.
KENDRIYA VIDYALAYA,
C.C.I. BOKAJAN
ASSAM.

TO

THE COMMISSIONER,
KENDRIYA VIDYALAYA SANGATHAN,
NEW DELHI- 16

Through Proper Channel.

Sub : Request for inclusion of name in the transfer priority list 2 in the web site. - reg.

Sir,

I may kindly be permitted to refer to my earlier application dated 07.12.2002. wherein I submitted an appeal for modification of place of posting from K.V. Bokajan to any school in Tamil Nadu as per my annual transfer application. I may submit that I was redeployed from K.V. Madurai to KV Bokajan vide order No 13-1 (SUR) 2002-KVS (EIII) Dated 29.11.2002. Accordingly I have been relieved from K.V. Madurai on 16.12.2002 and joined at K.V. Bokajan, Assam on 30.12.2002. in obedience to the said order.

I have narrated in my earlier representation about my 16 year old son's untimely death due to train accident in Madurai on 31.05.2002. He was a student of class X in a local school at Madurai and my family has not recovered from the shock which we have suffered. At this point of time the order of deployment was received by me and in due obedience to the order even in spite of mental agony I reported for duty at K.V. Bokajan which is 3600 K.Ms. away from my home town. Now I have only one son who is doing his study in Engineering college at Madurai. I have emphasized the need for my presence at Madurai or nearby to take care of my only surviving son and to look after my aged ailed parents. I have also impressed upon the authorities of KVS that in view of my meager income in my present post as LDC, I cannot run two establishments at Bokajan and Madurai besides meeting the expenses for my son to his studies and the medical expenses of my parents.

During the year 2002-03 a post of LDC in KV Madurai was rendered surplus as per order dated 03.12.2001. I was transferred on surplus grounds at the fag end of Nov 2002. Now I understood that an additional post of LDC has been sanctioned for KV Madurai for the year 2003-04. This sanction has been given within a period of 02 months from the date of my transfer. Even though I was rendered surplus for the year 2002-03 I got the order of transfer only on 29.11.2002 and I was relieved on 16.12.2002.

While I was serving in Madurai I had applied for transfer in usual format during the year 2001-2002 KV KARAIKUDI and my priority was no 1 in the list 2. I was hoping to get my transfer to Karai Kudi under displacement policy of KVS. But I did not get my transfer to KARAIKUDI. Further I had applied for transfer in usual format during the year 2002-2003 to KV KARAIKUDI (Station code 386) and my priority was no 1 in the list 2. But I am surprised to note in the modified priority list being telecast in the KVS website that my name was not found in Priority List no 2 at all.

I have also learnt that few new schools are going to be opened nearby Madurai (Rameshwaram, Kodaikannal, Kanya Kumari, Thanjavur) and additional posting of LDC is sanctioned at KV Madurai, K.V.Coimbatore, KV HVF Avadi, K.V.CRPF Avadi, K.V.Ashok Nagar, Chennai. The above said schools are covered under Chennai Region. I request earnestly to kindly include my name in the priority list 2 to enable me to get my transfer to any one of the places as mentioned in my transfer application or to any of the new schools being opened in the near future in Chennai Region, for which act of kindness I shall remain ever grateful to you sir.

Thank You,
Yours faithfully,

(K. RAJENDRAN)

Place : Madurai
Date : 02.03.03.

Encl : Priority List for the year 2002-2003 and 2003-2004.
Modified Priority List for the year 2003-2004.
My application dated 07.12.2002.
Mortuary Report of My son's death.

ANNEXURE - E

= 26 - 33

AC (SR) for me.
Rajendran for the representative
consideration.
Principal
Kendriya Vidyalaya
C.C.I. Bokajan

From

K. Rajendran,
Lower Division Clerk,
Kendriya Vidyalaya,
Bokajan (Assam)

To

The Commissioner,
Kendriya Vidyalaya Sangathan,
New Delhi.

Subject: Request for transfer to choice place as per transfer application

Sir,

I humbly submit that I was rendered surplus in K.V. Madurai (Tamil Nadu) vide Office Order No. 13-1(Sur)2002-KVS(Estt III) dated 29-11-2002 for the year 2002-2003. There were nine LDCs rendered surplus under Chennai Region and I was one among the nine.

I applied for transfer from K.V. Madurai and my name appeared in priority list II for the year 2001-2002. My position of priority in that year was 01 for station code 380 (Karaikudi) as per priority list II. But due to reasons not known, I was not granted transfer to my choice station despite my having higher priority position. But I was transferred to K.V. CCI Bokajan on surplus deployment. This transfer order was a rude shock to me as I was aggrieved due to sudden death of my son who was 16 years old who met with train accident in Madurai. Amid grief I obeyed the orders of K.V.S. and reported at K.V. Bokajan in compliance with the order on 30-12-2002.

Again for the year 2002-2003, I applied for transfer to K.V. Karaikudi in which my priority No. was first displayed as 01 for station code 386 (Karaikudi). Later in the modified priority list II, my name was not found at all. At this juncture I may kindly state here that in response to KVS letter I submitted a proforma in which I requested that the station Madurai may be changed as Bokajan as by that time I joined K.V. Bokajan on 30-12-2002. I did apply for transfer from K.V. Madurai before my relief from that School. I never asked for cancellation of my transfer neither have I asked for change in the choice station. Therefore, I am entitled to figure in priority list-2 for the year 2002-2003 and my position of priority was 01 as per the pre-modified priority list. Like me there were several LDCs who were also rendered surplus alongwith me whose names were found in the priority list-2. To cite few examples Shri K. Balraj, Shri P. Adinathan and Shri Elangovan etc. I also understood that these LDCs have got the their transfer to their choice stations in the orders released recently in April, 2003. I am aggrieved as to how my name alone does not figure in the priority list-2 and transfer not ordered. If these LDCs as mentioned above are eligible for transfer, I am also eligible for transfer as all of us had been rendered surplus during the year 2002-2003 and applied for transfer. I enclose herewith a copy of the representation for rectification of error/cancellation of choice station request transfer application form 2002-2003.

In the circumstances, I fervently appeal to you Sir, to kindly consider my case alongwith the other LDCs who got transfers as per priority list. My name may kindly be included in PL-2 for transfer to my choice place namely Karaikudi. I have already represented about my missing name in the PL-2 through proper channel which was duly acknowledged by KVS on 6.3.2003. I shall be grateful if my name is included in PL-2 and transfer ordered with reference to my priority position 01 for Karaikudi. In the event of the vacancy at Karaikudi is filled up by displacement or by any other means I may kindly be considered for posting to newly opened school at KV Rameshwaram or any other vacancies in Tamil Nadu for which act of kindness I shall ever remain grateful to you Sir. I enclose herewith my previous representations in this regard.

Yours faithfully,

(K. Rajendran)

Dated: 16.04.2003



After (2)
Jif
Advocate

16/4/03

-28-

G. BALASUBRAMANIAN, B.Sc., B.L.,
Advocate.
MADURAI.

ML

ANNEXURE - F

Resi : 588197
Residential Address :
No. 259, L. I. G. Colony,
K. K. Nagar,
MADURAI - 625 020.

Date — 25-05-03

ON BEHALF OF:
K. RAJENDRAN,
LOWER DIVISION CLERK,
KENDRIYA VIDYALAYA,
BOKAJAN (ASSAM).

To

THE COMMISSIONER,
KENDRIYA VIDYALAYA SANGATHAN,
18, INSTITUTIONAL AREA,
SHAHITH JEET SINGH MARG,
NEW DELHI.

Sir,

Under instructions from my above named client, I issue the following notice:

1. My client states that he has put in more than 18 years service in LDC Cadre in Kendriya Vidyalaya. Due to implementation of revised staff pattern on the fixation of staff strength certain LDC's were found in excess in Chennai Region and they were re-deployed to other regions in various places throughout India in December 2002. Some of the re-deployed employees have joined duty in the places posted against them and some were not.
2. My client states that he has submitted his application for transfer on request in September 2002 in the prescribed format. His name is also included in the priority Lists 1 & 2 prepared by your Office. The name of my client is stood as First position (S.No.1) alongwith the other employees in the priority Lists 1 & 2 of his choice.
3. My client states that the following re-deployed employees who have joined duty in new stations in December 2002 were again reposted (By Displacing) Chennai Region as their own choice as per priority List 2 in the month of April 2003.

- | | |
|---------------------|--|
| (i) P. Aathinathan | - Bengdubi to Madurai |
| (ii) T. Ravikumar | - Palaghat to No.1 Pondicherry |
| (iii) K. Balraj | - No.2 Portblair, Andaman to No.2 Pondicherry. |
| (iv) T.G. Ilangovan | - Vijayawada to Island Ground, Chennai. |

[Handwritten signature and initials]

= 29 =

G. BALASUBRAMANIAN, B.Sc., B.L.,

Advocate,
MADURAI.

ML

Resi : 588197
Residential Address :
No. 259, L. I. G. Colony,
K. K. Nagar,
MADURAI - 625 020.

Date 25-05-03

2

- 4) My client states that the above re-deployed employees were transferred on the basis of their request transfer applications submitted by them in September 2002. My client further states that he has too submitted his transfer application in September 2002 and his name stood as first as his choice place of Karaikudi in the priority Lists 1 & 2 prepared by your Office. The non-considering to my client's application who is seniormost in the Lists when compared to the above four, is not proper and correct. The transfers were made to the above four said employees is not in accordance with the transfer guidelines framed by your Office.
- 5) My client states that there is a clear violation of rules and transfers were made against seniority principle and natural justice. My client has neither withdrawn his application for transfer nor he asked for change of choice station. His application is to be considered at the first instance before the above said four employees as per the priority Lists 1 & 2, prepared in Jan.2003.
- 6) My client states that certain favouritism and influence are shown in the matter of transfer of the above said four employees since they also joined duty in the re-deployed new stations alongwith my client and they have no better claim than my client.
- 7) My client states that your Office by order dt.7.2.2003 has informed the surplus re-deployed employees, namely, S.No.10 K. Rajendran, S.No.11 Aathinathan and S.No.12 Balraj that their request for modification of the place of choice have been considered by the Competent Authority of Kendriya Vidyalaya Sangathan and could not be acceded to. In spite of the order dt.7.2.2003 the cases of Aathinathan and Balraj were considered for transfer in April 2003 as per the priority Lists 1 & 2 which is against the rules, transfer guidelines and seniority.

Attested
by
Advocate

= 30 =

G. BALASUBRAMANIAN, B.Sc., B.L.,

Advocate,
MADURAI.

ML

Resi : 588197
Residential Address :
No. 259, L. I. G. Colony,
K. K. Nagar,
MADURAI - 625 020.

Date 25-05-03

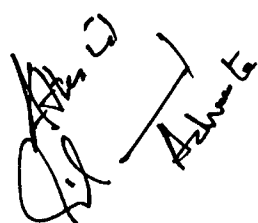
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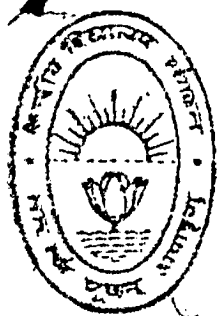
For the above said reasons, I call upon the Competent Authority to consider the application dt.16.4.2003 (copy of which is enclosed herewith) submitted by my client asking posting to Kendirya Vidhiyalaya, Karaikudi as per the priority Lists 1 & 2 maintained in Jan.2003, ^{and order} as ordered to Aathinathan and three other LDC's within 15 days from the date of receipt of this notice, failing which my client will be constrained to take legal action through Courts of Law for redressal.


SIGNATURE OF THE CLIENT.


ADVOCATE.

G. BALASUBRAMANIAN, B.Sc., B.L., ML
ADVOCATE,
259, L.I.G. COLONY,
K.K. NAGAR, MADURAI- 625 020.


Advocate

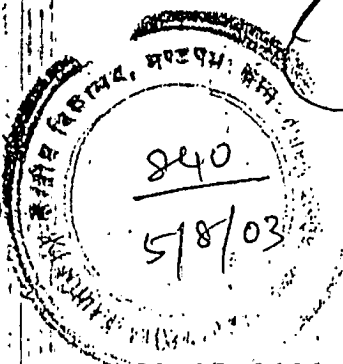


Grams : KEVISANG
 Phone : 2352359, (Fax) - 2350367 - 2350344
 E-Mail : acchennai@yahoo.com
 Website : www.kvsangathan.org

केन्द्रीय विद्यालय संगठन KENDRIYA VIDYALAYA SANGATHAN

(क्षेत्रीय कार्यालय-चेन्नई क्षेत्र)
 (Regional Office - Chennai Region)

आई.आई.टी. कैंपस, चेन्नई - 600 036 (तमिलनाडु)
 I.I.T. CAMPUS, CHENNAI - 600 036 (Tamilnadu)



Date: 29.07.2003

MEMORANDUM

With reference to her letter dated 30.06.2003, the resignation from the services of Kendriya Vidyalaya Sangathan tendered by Mrs.V.Savithri, Lower Division Clerk, Kendriya Vidyalaya, Mandapam is accepted with effect from 07.08.2003 (A.N.) waivng part of notice period required to be given under rules.

{Dr. Shachi Kant}
 ASSISTANT COMMISSIONER

Smt.V.Savithri,
 Lower Division Clerk,
 Kendriya Vidyalaya,
 Mandapam.

Copy to:

1. ✓ The Principal, Kendriya Vidyalaya, Mandapam for information and necessary action. He is requested to relieve Smt. Savithri, LDC from the Vidyalaya after recovering the dues, if any, under intimation to this office.
2. The Audit and Accounts Officer, KVS, RO, Chennai.

ASSISTANT COMMISSIONER

msr/lh20

Handwritten signatures and initials