

50/100

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

3

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

*Gahli*  
*16.11.17*

( RULE - 4 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Original Application No. 87/103  
Misc. Petition No.       /  
Contempt Petition No.       /  
Review Application No.       /

Applicant (s) Ms. R. Bayan

- Vs. -

Respondent (s) Union of India and ors

Advocate for the applicant (s) Mr. G.N. Sahewala  
Mr. P. Bora  
Mr. B. Senapati

Advocate for the respondent (s) Mr. M.K. Mazumdar  
for K.V.S.

Notes of the Registry	Date	Order of the Tribunal
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*Mendon Case*

25.4.03

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

This application is a form but not in the form of a Condonation Petition. It is filed for Rs. 80/- as per vide 100/86-440215  
Dated 25-4-03

*[Signature]*  
Dy. Registrar

1) Slips not yet filed.

2) No synopsis has been filed  
*[Signature]*  
25/4/03

The matter relates to transfer and posting. By order dated 9.4.2003 the applicant who is working as a Music Teacher in Sibsagar Kendriya Vidyalaya was transferred to Churachandpur and in her place another Music Teacher was transferred from Nazira to Sibsagar. The applicant has assailed the legality and validity of the order. The applicant also in the application contended that this order of transfer posting her at Churachandpur would not only cause dislocation of her family life but also would seriously disrupt the studies of their young children.

Heard Mr P.Bora, learned counsel appearing for the applicant as well as Mr M.K.Mazumdar, learned counsel for the KVS. Mr Mazumdar pointed out that the applicant has already submitted representation

contd..

25.4.03

before the Assistant Commissioner, KVS and which was forwarded by the Principal as far back on 22.4.2003.

Upon hearing the learned counsel for the parties and upon considering the materials on records, I am of the view that ends of justice will be met if a direction is issued on the respondents to dispose of the representation of the applicant sympathetically as per law and pass appropriate order thereon. It is thus ordered accordingly. It is expected that the authority shall dispose the same with utmost expedition, preferably within two months from today. Till completion of the aforesaid exercise the order of transfer and posting insofar as it relates to the applicant is concerned shall remain suspended.

The application is thus disposed of. There shall, however, be no order as to costs.

Vice-Chairman

Received Copy of Order  
M.K. Majumdar  
Advocate  
25/04/03

pg

28.4.2003

Copy of the order  
has been sent to the  
D/Sec. for issuing  
the same to the Applicant  
by post.

all

Memo No. H.C.-XXI-12, 265-69 R.M.  
dated 9/7/09 order dtd 1/10/2003 passed  
by the Honible High Court in WP(C)  
No. 8513/2003.

Order dated 01/10/2003 passed by the  
Honible High Court in WP(C) No. 8513/2003 received  
from the Registry of the Honible High Court.  
The Writ petition was filed by the petitioner  
against the order dated 29/9/09 passed by the  
Central Administrative Tribunal, Gauwahati Bench  
in OA. No 87/2003.

The Honible High Court do not find any  
infirmary in the order passed by the Central  
Administrative Tribunal. Hence, the Writ petition  
is dismissed.

The matter placed before the Honible  
Vice chairman for kind perusal.

10.9.09  
DR

10/9/09  
S.O.(J)

10/9/09  
S.O.

H. re.

Honible Member (A)  
would like to see it.  
10/09/09  
D

IN THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM; NAGALAND; MEGHALAYA; MANIPUR; TRIPURA  
MIZORAM AND ARUNACHAL PRADESH)

W.P. ( C ) NO.8513/2003

Mrs.Rumita Bayan

-Vs-

Kendriya Vidyalaya Sangathan & Ors.

.....

Petitioner.

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

.....

Respondents.

P R E S E N T

HON'BLE THE CHIEF JUSTICE MR.P.P.NAOLEKAR  
THE HON'BLE MR.JUSTICE A.H.SAIKIA

For the Petitioner

::::: Mr.G.N.Sahewalla, Mr.A.K.Goswami,  
Mr.P.Bora,Mr.B. Sharma,Mr. D. Senapati,  
Mr. A. Jalan, Advocates.

For the Respondents

::::: Mr.K.N. Choudhury, Advocate.

Date of order

::::: 01.10.2003

ORDER

Heard Mr.G.N.Sahewalla, learned counsel for the petitioner.

This petition has been filed against the order dated 29.09.2003 passed by the Central Administrative Tribunal, Guwahati Bench in Original Application No.87/2003 thereby upholding the order of transfer issued by the Kendriya Vidyalaya Sangathan. We do not find any infirmity in the order passed by the Central Administrative Tribunal.

The Petition stands dismissed.

Sd/- A.H.SAIKIA  
JUDGE

Sd/- P.P.NAOLEKAR  
CHIEF JUSTICE

Memo No. HC. XXI.....12, 365-69.....R M. Dtd.....9/7/09

Copy forwarded for information and necessary action to:-

1. Kendriya Vidyalaya Sangathan, represented by its Commissioner, Sahid Jeet Singh Marg, 18- Institutional Area, New Delhi-16.
2. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Silchar Region, Silchar.
3. The Principal, Sibsagar Kendriya Vidyalaya, ONGC, Sibsagar.
4. Smt. K.K.Devi, Music Teacher, Kendriya Vidyalaya, Sibsagar, ONGC Colony, Sibsagazr, Dist.Sibsagar.
5. The Central Administrative Tribunal, Guwahati Bench at Guwahati.

By Order

R/K/K

Asstt. Registrar (B)  
Gauhati High Court, Guwahati.

50(J)  
15  
23.7.09

Chief  
08/07/09

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORIGINAL APPLICATION NO. .... /2003.

Mrs. Rumita Bayan . . . Applicant.

Vs.

Kendriya Vidyalaya Sangathan & Ors. . . Respondents

LIST OF DATES AND SYNOPSIS OF THE CASE

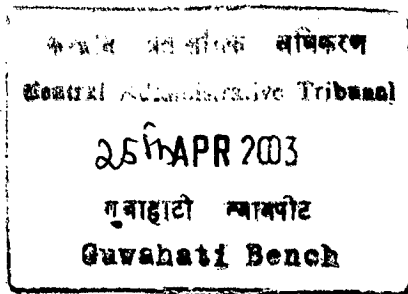
1. 6.2.89 - Petitioner joined K.V.S. as Music Teacher at Digaru K.V.S.
2. Year, 1996 - Applicant was transferred to Lakua KVS.
3. Nov., 2000 - Applicant was transferred to Sibsagar KVS where she is presently working
4. 9.4.2003 - The opposite party No.2 issued an order being order No. F.2019/2003-KVS/(SR)/991-32 transferring the applicant from Sibsagar KVS to Churachandpur, KVS in the state of Manipur which is under challenged in this application.
5. 22.4.2003 - The applicant filed a representation before the opposite party No.2 requesting him not to transfer her to Churachandpur which is not yet been disposed of.

RELIEF SOUGHT FOR :-

The applicant prays the impugned order No. F.2019/2003-KVS/(SR)/991-32 dated 9.4.2003 transferring the applicant from Sibsagar to Churachandpur be set aside and quashed so the applicant is concerned and allow the applicant to continue rendering her service at her present place of posting.

INTERIM ORDER PRAYED FOR :-

The applicant pray that in the interim operation of the impugned order No. F.2019/2003-KVS/(SR)/991-32 dated 9.4.2003 so far the applicant is concerned be stayed and allow the applicant to continue her service at the present place of posting at Kendriya Vidyalaya Sivsagar.



DISTRICT:

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI.**

O.A. NO. 87 /2003

MS. RUMITA BAYAN

----- Applicant

-VERSUS-

KENDRIYA VIDYALAYA SANGATHAN,

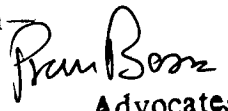
--- Opposite Party.

Bench : A/B

Subject :

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5.	Annexure-III .....	11.	

Filed By The Petitioner:  
Through   
Advocate:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI.

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT, 1985.

ORIGINAL APPLICATION NO. \_\_\_\_\_/2003.

Mrs. Rumita Bayan,  
wife of Sri B. Barkakati,  
Resident of ONGC Colony,  
Sibsagar.

-----Applicant.

-Versus-

1. Kendriya Vidyalaya  
Sangathan, represented by  
its Commissioner, Sahid  
Jeet Singh Marg, 18-  
Institutional Area, New  
Delhi-16.
2. Assistant Commissioner,  
Kendriya Vidyalaya  
Sangathan, Silchar Region,  
Silchar.
3. Principal, Sibsagar  
Kendriya Vidyalaya, ONGC,  
Sibsagar.
4. Smt. K.K. Devi, Music  
Teacher, 1 Kendriya  
Vidyalaya, Nazira,  
District-Sibsagar.

X  
1

Filed by:

MRS. RUMITA. BAYAN

Thmb

P. Bora, Advocate

**DETAILS OF THE APPLICATION.****1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MD**

The instant application is filed against the order No. F.2019/2003-KVS/CSR)/991-32 dtd. 9.4.2003 transferring the applicant from her present place of posting at Sibsagar to Churachandpur in the State of Manipur.

**2. JURISDICTION OF THE TRIBUNAL:**

The applicant declares that the subject matter regarding which the applicant seeks redressal is within the jurisdiction of the Hon'ble Tribunal.

**3. LIMITATION:**

The applicant is within the period of limitation was much as omission.

**4. FACTS OF THE CASE:**

- A) That the applicant is a graduate of Arts as well as a graduate of Music and she being qualified for the post of music teacher, applied before the Kendriya Vidyalaya Sangathan for the post of Music Teacher and accordingly she was appointed on 6.2.89 in the Kendriya Vidyalaya Sangathan at Digaru as a Music Teacher and since then she has been discharging her duties with sincerity and to the best of her abilities.

B) That in the year 1996, the applicant was transferred to Kendriya Vidyalaya, Lakwa and accordingly she joined at Lakwa. On November, 2000 the applicant was again transferred to the Kendriya Vidyalaya Sivasagar where her husband is also working at ONGCL, Sivasagar. Since the date of her joining at Sivasagar, she has been working sincerely and to the satisfaction of the concern authorities and there was no adverse remarks against her.

C) That on 21.4.2003, the applicant was verbally informed that she has been transferred to the state of Manipur. The applicant immediately enquired into the matter and came to know that an order dated 9.4.2003 issued by the Respondent No.2 under No.F.2-19/2003-KVS/(SR)8/991-32 whereby the applicant, named in serial NO. 21, was transferred from Sibsagar to Churachandpur and Smt. K.K. Devi at Serial no. 20 of the list has been transferred from Nazira to Sibsagar.

Copy of the order-dated 9.4.2003 is annexed hereto and marked as Annexure-I.

D) That the applicant states that applicant on coming to know of the same immediately filed an representation before the respondent nO.2 requesting him not to transfer her from the said post for 2 years as her son has been studying at class IX and is preparing for his High School Leaving Examination, but till date, the respondent No.2

4 10  
MRS. RUMITA BAYAN

neither serve a copy of the impugned transfer order nor her representation is also considered

Copy of the representation dated 22.4.2003 is annexed hereto and is marked as Annexure-II.

- E) That the applicant states that the applicant has been suffering from DUB, requiring constant medical attention. Moreover, she has to look after both her child as her husband is regularly posted at Oil field where 24 hour presence is called for.

**5. GROUND FOR RELIEF WITH LEGAL PROVISION:**

- i) For that the order dated 9.4.2003 passed by the Respondent No. 2 is absolutely illegal and arbitrary and the order was passed only to accommodate the person placed at Serial No.20 of the list.
- ii) For that the order dated 9.4.2003 is absolutely malafide in as much as the applicant was transferred to different state although there is post lying vacant within the state.
- iii) For that the precedent for transferring employee of Kendriya Vidyalaya Sangathan is that he or she should be placed in one place for a period not less than three years but in the instant case the applicant has been transferred within the span of two years and that too a different state although there are several post lying vacant in the state itself,

which clearly reveals the foul play of the respondents against the applicant.

**6. DETAIL OF REMEDIES EXHAUSTED:**

The applicant had submitted representations dated 22.4.2003.

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

The applicant declares that the matters regarding which this application is made is not pending before any court or law or any other authority or any other branch of the Hon'ble Tribunal.

**8. RELIEF SOUGHT FOR:]**

That the impugned order No.F2019/2003-KVS/CSR/991-32 dated 9.4.2003 transferring the applicant from Sivasagar to Churachandpur be set aside and quashed so far applicant is concerned and allow the applicant to continue rendering her service at her present place of posting and/or pass such further or other order(s) as Your Honour may deem fit and proper in the facts and circumstances of the case.

**9. INTERIM ORDER IF ANY PRAYED FOR :**

That the applicant pray that in the interim operation of the impugned order No.F2019/2003-KVS/CSR/991-32 dated 9.4.2003 so far applicant is concerned be stayed and allow

the applicant to continue rendering her service at the present place of posting at Kendriya Vidyalaya Sivasagar.

6/12  
MRS. RUMITA BAYAN

No. of I.P.O.-

Name of the issuing Post Officer: G.P.O., Guwahati

Date of issuing Postal Orders:

Post Office at Which payable: Guwahati.

11. LIST OF ENCLOSURES:

As per index.

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13

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

I, Smt. Rumita Byan, wife of Sri B. Barkakoti, aged about 40 years, resident of ONGC Colony, Sibsagar, do hereby verify that the statements made in paragraphs 1, 2, 3, 4A, 4B, 4C, 4D, 4E, 6E7 are true to my knowledge and belief and I have suppressed no material fact.

And I sign this verification on the 23 ~~rd~~ day of April, 2003 at Sibsagar.

MRS. RUMITA BAYAN

# ANNEXURE-1

KENDRIYA VIDYALAYA SANGATHAN  
REGIONAL OFFICE, SILCHAR :

No.F.2-19/2003-KVS/(SR)/.99!-32

Date:09.04.2003.

## OFFICE ORDER

Due to fixation of staff strength in Kendriya Vidyalayas for the year 2003-04 the staff in excess of the sanctioned strength in certain Vidyalaya is required to be re-deployed against the existing vacancies in other Kendriya Vidyalayas in terms of KVS (HA), Office memorandum No.F.1-1/2002-03-KVS (Estt.II) dated 20.01.2003. Accordingly the following Misc. category staff are re-deployed in the Kendriya Vidyalayas shown against their names in public interest with immediate effect.

Name of Teacher, Post	Present K.V.	Re-deployed to K.V.
Sh.R.Srinivasan, PGT (Eng)	Duliajan	✓Haflong
Sh.K.K.Dhooram TGT (Bio)	Tinsukia	Diphu
Sh.H.S.Upadhayay TGT (Bio)	Aizwal	Kohima
Sh.N.Chanchi TGT (Bio)	Doom Dooma	Dinjan
Miss.Manisha Singh, TGT (Bio)	Namrup	Zakhama
Adabari Biswas TGT (Bio)	ONGC, Srikona	Churachandpur
R.Mitra TGT (Bio)	Silchar	Loktak
Rupali Saxena TGT (Bio)	Masimpur	Silchar.
Rama Pathak TGT (Eng)	ONGC, Agartala	No.I.Agartala
G.Sharma TGT (Eng)	Bokajan	Lumding
Dinoshan.C TGT (Eng)	Satakha	Haflong
R.K.Jatav TGT (Eng)	Khatkhathi	No.I.Imphal
S.Radhakrishnan TGT (Eng)	Kumbhirgram	Silchar
Jhuma Nath TGT (Eng)	Diphu	ONGC, Sibsagar
N.Malhotra TGT (Hindi)	Lumding	Loktak
A.Bhattacharjee TGT (Hindi)	Masimpur	Silchar
K.Ahilya TGT (Hindi)	Namrup	No.I.Sibsagar
Rita PRT	Dimapur	Duliajan
Rupali Tamuli PRT	Sibsagar No.I.	Nazira.
R.K.Devi Music Teacher, Nazira		No.I.Sibsagar
Ms.R.Bayan Music Teacher, No.I.Sibsagar		Churachandpur.

They will be entitled to TA as per KVS Rules.

*Copy to be sent to  
Prin Son  
Admission  
20/4/03*

*(M.M. Joshi)  
ASH Commissioner*

*Page-2*

Distribution:-

1. The teachers concerned.

The Principal, where the employee is presently working with the intimation to this office. The incumbent should be paid advance of TA etc, as per KVS rules. In case the individual is on leave/absent he/she should be relieved in absentia with immediate effect. On no account his/her relieving should be delayed.

The Principal, of the H.V. where the teacher has been redeployed is requested to intimate the date of joining of the teacher.

Ms. P. Devasena, Education Officer, KVS (HQ), New Delhi for information.

The Audit & Account Officer, KVS (RO), Silchar for information.

Guard File/Staff Strength File.

verified to be true  
Bew  
28/4/07

# ANNEXURE - II

- 10 - 16

To

The Asstt commisioner  
KENDRIYA VIDYALAYA SANGATHAN  
REGIONAL OFFICE,  
SILCHAR.

SUB:- Request for cancellation of transfer from K.V. O.N.G.C. SIVASAGAR.

(Through proper channel )

Sir,

With due honour I beg to lay the following lines for your kind consideration.  
That sir, I joined K.V. at Digaru in Feb 1989.

As my husband is an employee of O.N.G.C. Sivasagar. I applied for transfer from K.V. Digaru to K.V. Sivasagar since 1989 to 1995 and ultimately I was transferd from K.V. Digaru to newly established K.V. Lakwa instead of my request for transfer to Sivasagar in 1996. Again I was transfered from K.V. Lakwa to K.V. Sivasagar in Nov/2000. But it had came to my knowledge that I have been again consider for transfer from K.V. Sivasagar .

That sir, I have completed just two years at this station, K.V. Sivasagar in Dec 2002. My child is also studying at class IX. My husband has been under transfer from (Eastern Region) Sivasagar to Mehsana ( Western Region). His transfer have been deferred on request on ground of not disturbing to academic carrier of our child.

In view of above it is requested not to transfer me from K.V. Sivasagar at least for two years. I wish to apply for transfer from Assam to other region where my husband will be considered for transfer.

So I request you kindly to consider my case sympathetically .

Thanking you.

Yours faithfully

*Rumita Bayan* 22-4-03  
Rumita Bayan ( Barkakati)  
(Music teacher)  
K.V. O.N.G.C. Sivasagar

Copy to :

- (I) Joint- Commissioner (Adm?) K.V. (HQ)
- (II) Principal K.V. O.N.G.C, Sivasagar

*P. K. GUPTA*  
Group General Manager (Head Services)  
Sivasagar, Assam

KV/SPS/27/3078

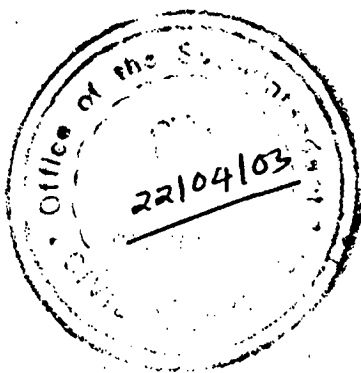
Dt. 22/4/03

Asstt. Commissioner  
SLC

Recommended & Forwarded for  
favourable consideration.

*[Signature]*  
22/4/03

*Certified to be true*  
*[Signature]*  
22/4/03



To whom it may concern

This is to certify that  
The Rumita Bayan Borkakoty A/O  
Mr. B. Borkakoty, whose signature is  
given below, is under my treatment  
from today (22/04/03) and is suffering  
Disfractured uterine bleeding (DUB).  
She needs proper investigations  
and treatment. Considering her health  
I advise her to take bed rest for  
2 weeks with effect from today  
(22/04/03), which is necessary for  
her proper treatment and restoration of  
her health.

Signature of the patient

↓ Rumita

Signature attested

Sr. Medical & Health Officer  
SIVASAGAR CIVIL HOSPITAL

Dr. H. K. Borkoty  
22/04/03  
Sr. Medical & Health Officer  
SIVASAGAR CIVIL HOSPITAL

certified to be true CPJ  
Dr. B. Borkoty  
22/4/03