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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 21/2004

R.A/C.P No.

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SECTION OFFICER (Judl.)

Bahia  
09/11/17

FORM NO. 4  
(SEE RULE 12)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUAHATI BENCH.

ORDER SHEET

Org.App/ Misc.Petn/Cont.Petn/ Rev.Appl. 21/04

In O.A.

Name of the Applicant(S) Poonibha Brahma

Name of the Respondent(S) U.O.I Jobs.

Advocate for the Applicant P.C. Dey

Counsel for the Railway/ C.G.S.C. ✓

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

16.2.2004

List on 26.2.2004 alongwith  
C.P. 58/2003.

116378/32  
5.2.04

mb

Member (A)

26.2.2004 Present : The Hon'ble Sri Shanker Raju,  
Judicial Member.

The Hon'ble Sri K.V. Prahlada-  
an, Administrative Member.

Heard learned counsel for the  
parties.

The O.A. is disposed of for the  
reasons recorded in separate sheets.

Member (A)

Member (J)

pg

Steps taken alongwith  
envelops.

4.3.04  
Copy of the Indst  
has been sent to the  
Office for issue of  
the line to the applicant  
as well as to the 2/Adv.  
for the Respond.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./R.A.No. 1111 21 of 2004.

DATE OF DECISION 26.2.2004.

Smt. Pratibha Brahma

.....APPLICANT(S).

Sri P.C. Dey

.....ADVOCATE FOR THE  
APPLICANT(S).

-VERSUS-

Union of India & Ors.

.....RESPONDENT(S)

Mr. M.K. Mazumdar

.....ADVOCATE FOR THE  
RESPONDENT(S).

THE HON'BLE MR. SHANKER RAJU, JUDICIAL MEMBER.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ? ☒
2. To be referred to the Reporter or not? ☒
3. Whether their Lordships wish to see the fair copy of the Judgment ? ☒
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Member (J). ☒

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 21 of 2004.

Date of Order : This the 26th Day of February, 2004.

The Hon'ble Sri Shanker Raju, Judicial Member.

The Hon'ble Sri K.V.prahladan, Administrative Member.

Smt. Pratibha Brahma,  
wife of Sri Khargeswar Brahma,  
resident of Hatimata Road,  
Kokrajhar, Ward No.8,  
P.O. & Dist. Kokrajhar,  
Assam, Pin-783370.

...Applicant

By Advocate Sri P.C.Dey.

- Versus -

1. Union of India,  
represented by the Secretary to the  
Govt. of India, Department of Education,  
New Delhi-110001.
2. The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Saheed Jeet Singh Marg,  
New Delhi - 110 016.
3. The Joint Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Saheed Jeet Singh Marg,  
New Delhi - 110 016.
4. The Education Officer,  
Kendriya Vidyalaya Sangathan  
18, Institutional Area,  
Saheed Jit Singh Marg,  
New Delhi - 110 016.
5. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Regional Officer, Maligaon Chariali,  
Guwahati - 781 012.
6. The Principal,  
Kendriya Vidyalaya (BRPL),  
Bongaigaon, P.O. - Dhaligaon,  
District - Bongaigaon, (Assam),
7. Miss N. Goswami, TGT (CBZ),  
Kendriya Vidyalaya (BRPL), Bongaigaon,  
P.O. Dhaligaon, District - Bongaigaon.

... Respondents.

By Advocate Mr. M.K. Mazumdar.

O R D E R

SHANKER RAJU, MEMNER (J) :

an *in*

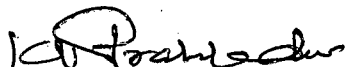
By /order dated 22.8.2003 transfer of the applicant  
from KV.BRPL, Bongaigaon has been ordered to remain suspended

and the relieving order dated 22.7.2003 has been kept in abeyance. In the face of our order the respondents by memorandum dated 22.1.2004 transferred the applicant and temporarily attached her at KV, AFS, Jorhat. The grievance of the applicant that such an order cannot be passed once the transfer order has been kept in abeyance. The learned counsel for the applicant further states that for last eight months the applicant has not been paid the salary.

2. Without notice the learned counsel for the KVS appeared and justified his action whereby an order was passed on 22.1.2004 where the applicant was temporarily attached to KV AFS, Jorhat and ordered to the authorities to release her salary after she resumes her charge at Jorhat. It is further submitted that when the order dated 22.1.2004 was passed there was no vacancy at Bongaigaon and this fact could not be brought to the notice of this Tribunal but this plea has been taken in O.A.189/2003.

3. Be that as it may, once an order has been passed by the Tribunal to suspend the transfer of the applicant and the said order is kept in abeyance, unless the same is modified or revised no fresh order can be passed. The order passed on 22.1.2004 in the face of the earlier order is a contumacious action on the part of the respondents which cannot be sustained in law. So far as the salary of the applicant is concerned in Bongaigaon it is stated by the learned counsel for the applicant that they could not adopt the zero vacancy procedure or the applicant may be attached to Jorhat for the purpose of pay and allowances and her salary for this period cannot be withheld.

O.A. stands disposed with direction to the respondents to withdraw the memorandum dated 22.1.2004. The salary of the applicant shall be released within a period of two weeks from today. This shall <sup>be</sup> without prejudice to the outcome of the O.A.189/2003 which is fixed for hearing on 15.3.2004.

  
( K.V.PRAHLADAN )  
ADMINISTRATIVE MEMBER

  
( SHANKER RAJU )  
JUDICIAL MEMBER

18-2-04  
9  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI.

O.A. NO. 21 OF 2004

Smti Pratibha Brahma

..... Applicant.

- VS -

Union of India & Ors.

..... Respondents.

LIST OF DATES.

- 1.4.2002 The applicant was transferred on request from K.V.No.1, Tezpur to K.V. BRPL, Bongaigaon.  
..... (ANNEXURE - A, Page-20).  
Pr, 4.3, P/4
- 13.2.2003 The K.V.,BRPL, Bongaigaon has been made Single Section school vide K.V.S. Letter F.No.1-1-2002-03/ K.V.S. (O&M) dated 13.2.2003 for the Session 2003-2004 and one post of TGT (SC.) declared surplus.  
Pr, 4.4, P/4
- 31.3.2003 The surplus TGT (SC) Smti Ranjita Das was transferred on her request from K.V.,BRPL, Bongaigaon to K.V., Guwahati, Khanapara vide Order dated 31.3.2003 and by the same Transfer order Miss N.Goswami was also transferred from K.V.Guwahati, Khanapara to KV., BRPL, Bongaigaon.  
..... (ANNEXURE - B, Page-21)  
Pr, 4, P/4(5)
- 11.4.2003 The Principal, K.V.BRPL, Bongaigaon wrote to the Education Officer,K.V.S., 18 Institutional Area, New Delhi-16, informing him that as per transfer order dated 31.3.2003 Smti Ranjita Das has been transferred

Contd...P/2.

from K.V., BRPL, Bongaigaon to K.V., Guwahati, Khanapara and also informed that as there was only one sanctioned post of TGT (BIO) for the Sessions 2003-2004 against which the Teacher (the present applicant) has been working and as there is no vacant post in K.V. BRPL to accommodate Miss. N. Goswami so the Principal requested the education Officer to take necessary action in this regard. A copy of the said letter was also sent to the Assistant Commissioner K.V.S. (R.O) Guwahati .....

..... (ANNEXURE - C, Page-23)

Pr. 4.5, P/5

26.4.2003 Thereafter, the Principal, K.V. BRPL, Bongaigaon as per instruction of the Assistant Commissioner, (GR) allowed respondent No. 7 Miss. N. Goswami to Join in K.V., BRPL, against 'Zero' vacancy on 22.4.2003 and her joining report was communicated to the Education Officer vide letter dated 26.4.2003.

..... (ANNEXURE - D, Page-24)

Pr. 4.6, P/6

26.4.2003 The applicant submitted an application before the Education Officer, K.V.S., Regional Grievances Officer, (GR), Guwahati-12, requesting him not to transfer her again to other place just to accommodate the Respondent No. 7.

..... (ANNEXURE - E, Page-25)

Pr. 4.7, P/6(7)

18.7.2003 The Respondent authorities without considering the application dated 26.4.2003 of the applicant,



surprisingly passed a transfer order on 18.7.2003 whereby the applicant has been transferred from K.V.,BRPL,Bongaigaon to K.V. Satakha in Nagaland just to accommodate the Respondent No.7 but not for any public interest.

..... (ANNEXURE - F, Page-26)

Pr. 4.8, F/7(8)

22.7.2003 The applicant was relieved on 22.7.2003 from K.V. Bongaigaon to join at K.V.Satakha, in Nagaland.

..... (ANNEXURE - G, Page-28)

1.8.2003 The applicant has submitted another application on 1.8.2003 before the Commissioner, K.V.S., New Delhi-16 requesting the commissioner not to transfer her, otherwise she and her family will be adversely affected.

..... (ANNEXURE - H, Page-29)

Pr. 4.10, P/8(9)

21.8.2003 The applicant filed O.A. No.189/2003 before this Hon'ble Tribunal challenging the legality and validity of the transfer order dated 18.7.2003 as well as the relieving order.

22.8.2003 This Hon'ble Tribunal vide order dated 22.8.2003 was pleased to suspend the transfer order<sup>dt</sup> 18.7.2003 as well as the relieving order dated 22.7.2003.

..... (ANNEXURE - I, Page-30)

Pr. 4.12, P/10

19.12.2003 As the Respondents did not comply with the order passed by this Hon'ble Tribunal by allowing the applicant to join her duties at K.V.BRPL,Bongaigaon

and her salary also not been paid since 23.6.2003, so the applicant filed a contempt Petition Civil No.58/2003 on 19.12.2003 and on 24.12.2003 this Hon'ble Tribunal has issued notices to the contemnors returnable by 16/2/2004.

..... Pr. 4.14, P/11

22.1.2004 While the above mentioned cases are pending before this Hon'ble Tribunal for final decision, the Respondent No.4 surprisingly and in an illegal manner issued a transfer memorandum on 22.1.2004 whereby the applicant again transfer to K.V. No.1 AFS, Jorhat from K.V.BRPL, Bongaigaon.

.....(ANNEXURE - J, Page-31)

Pr. 4.15, P/11(12)

22.1.2004 Pursuant to the said transfer order dated 22.1.2004 Respondent No.5 vide letter dated 22.1.2004 asked the Principal, K.V.AFS, Jorhat to disburse the salary of the applicant on being report to join at K.V.AFS, Jorhat just to compel her to accept the transfer. *Dir*

..... (ANNEXURE - K, Page-32)

- Having no other alternative, the applicant is compelled to approach before this Hon'ble Tribunal for the second time seeking protection from the ~~xx~~ illegal, arbitrary and discreminatory action of the Respondents who issued the impugned transfer memorandum dated 22.1.2004 in violation of the order dated 22.8.2003 passed by this Hon'ble Tribunal in O.A. No.189/2003 and Prayed for setting aside and quashing the impugned transfer memorandum dated 22.1.2004 and for a direction to the Respondents to pay her salary W.e.f. 23.6.2003 up to date from K.V.BRPL, Bongaigaon and to allow her to join at K.V.BRPL, Bongaigaon in pursuant to the order dated 22.8.2003 passed in O.A. No.189/2003.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :::::

GUWAHATI : BENCH

(An Application under Section 19 of the Administration  
Tribunal Act, 1985)

Title of the Case : O.A.No. 21 /2004

Smti Pratibha Brahma ... Applicant.

-Vs-

Union of India & Others. .... Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Annexures</u>	<u>Pages</u>
1.	Application		1-19
2.	Verification		19
3.	Transfer Order dated 1-4-2002 -	'A' - - - -	20
4.	Transfer order dated 01-3-2003 -	'B' - - - -	21-22
5.	Letter dated 11-4-2003 -	'C' - - - -	23
6.	Letter dated 25-4-2003 -	'D' - - - -	24
7.	Application dated 26-4-2003 -	'E' - - - -	25
8.	Transfer order dated 18-7-2003 -	'F' - - - -	26-27
9.	Relieving Order dated 22-7-2003 -	'G' - - - -	28
10.	Application dated 1-8-2003 -	'H' - - - -	29
11.	Order dated 22-8-2003 passed in O.A.No.189/2003. -	'I' - - - -	30
12.	Impugned order dated 22-1-2004	'J' - - - -	31
13.	Letter dated 22-1-2004	'K' - - - -	32
14.	Vakalatnama		

Filed by

  
Advocate

Filed by-

Rijesh Chandra Dey,  
Advocate  
9/2/2004

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:::GUWAHATI BENCH

(An application under Section 19 of the Administrative  
Tribunals Act, 1985).

O.A. No. /2004

BETWEEN

Smti Pratibha Brahma  
W/o Sri Khargeswar Brahma  
Resident of Hatimata Road,  
Kokrajhar, Ward No.8,  
P.O. & District - Kokrajhar,  
(Assam), PIN-783370.

...

Applicant.

-Versus-

1. Union of India

Through the Secretary to the Government  
of India, Department of Education,  
New Delhi-110001.

2. The Commissioner,

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

Contd.....2

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3. The Joint Commissioner,

Kendriya Vidyalaya Sanghathan,  
18, Institutional Area,  
Sahid Jeet Singh Marg  
New Delhi - 110016.

4. The Education Officer,

Kendriya Viayalaya Sangathan,  
18, Institutional Area,  
Sahid Jeet Singh Marg,  
New Delhi - 110016.

5. The Assistant Commissioner,

Kendriya Vidyalaya Sangathan,  
Regional Officer, Maligaon Chariali,  
Guwahati - 781012.

6. The Principal,

Kendriya Vidyalaya (BRPL)  
Bongaigaon, P.O.Dhaligaon,  
District-Bongaigaon, (Assam).

7. Miss N.Goswami, TGT(CBZ),

Kendriya Vidyalaya (BRPL) Bongaigaon,  
P.O. Dhaligaon, District-Bongaigaon.

...

Respondents.

DETAILS OF APPLICATION :-

1. Particulars of order(s) against which this application is made :-

This application is made against the Memorandum No.F.19-327(4)/2003-KVS(L&C)/Estt-II dated 22.1.04

Contd.....3

P. B. B. B. B.

issued by the Education Officer, Respondent No.4 transferring the applicant from Kendriya Vidyalaya. BRPL, Bongaigaon to Kendriya Vidyalaya No.1 AFS, Jorhat ~~xx~~ in total violation of the existing transfer and posting guidelines of the Respondents without considering the case of the applicant as per order dated 22-8-2003 passed by this Hon'ble Tribunal in O.A. No. 189/2003 just to favour the Respondent No.7 who was allowed to join against 'O' vacancy as per instruction of Assistant Commissioner, Guwahati Region.

P. Blahore

2. JURISDICTION OF THE TRIBUNAL :-

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

3. LIMITATION :-

The applicant declare that the application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :-

4.1. That the applicant is the citizen of India and as such entitled the rights and previlages under Constitution of India.

Contd.....4

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4.2. That the applicant initially joined on 1-8-95 in the Kendriya Vidyalaya, Kokrajhar as Trained Graduate Teacher (T.G.T). Thereafter, in the year 2001, she was declared as surplus and posted to Kendriya Vidyalaya No.1 Tezpur from K.V.Kokrajhar.

P. Brahmara

4.3. That, thereafter, the applicant applied for transferring her from K.V. No.1, Tezpur to her home town K.V.Kokrajhar and on her request she was transferred from K.V.No.1 Tezpur to K.V.B.R.P.L. Bongaigaon in the month of April/2002 and since than she has been serving at KV, BRPL,Bongaigaon to the satisfaction of the concerned authorities.

A copy of the transfer order dated 1-4-2002 is annexed herewith as Annexure-A for a ready reference.

4.4. That vide letter No.F.No.1-1-1002-03/KVS (O & H) dtd. 13-2-2003, the Kendriya Vidyalaya, B.R.P.L. Bongaigaon has been made single section School and one post of trained Graduate Teacher (T.G.T) Science declared surplus and the surplus T.G.T. (Ranjita Das) was transferred on her request to Kendriya Vidyalaya, Guwahati, Khanapara vide KVS Letter No.F-7-1(D)TGT(Bio)2003/KVS/EST-II dtd. 31-3-2003 issued by the Education Officer.By the same letter Miss.N.Goswami was transferred from K.V. Guwahati, Khanapara, to K.V. BRPL Bongaigaon though

Contd.....5

there was no vacant post in the K.V. BRPL, Bongaigaon.

A copy of the said transfer order dated

31-3-2003 is annexed herewith as Annexure-B for a ready reference.

4.5. That the principal of the Kendriya Vidyalaya BRPL Bongaigaon has written to the Education Officer, Kendriya Vidyalaya Sangathan, 18 institutional area, Shaheed Jeet Singh Marg, New Delhi-16, vide his letter dtd. 11-4-2003 issued under Ref.No.31/KV BRPL/2003-04/38-40, stating inter-alia that as per order dtd. 31-3-2003 of the Education Officer, Rangita Das T.G.T. (Bio) has been transferred from K.V.BRPL, Bongaigaon to K.V. Guwahati, Khanapara on her request and it was further informed that as there was only one sanctioned post of TGT(Bio) for the Session 2003-04 in the said Vidyalaya against which the teacher has been working and as there was no vacant post the Principal of K.V. B.R.P.L., Bongaigaon did not allow Miss N.Goswami to join in the said Vidyalaya and accordingly informed the Education Officer, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi. for information and necessary action. A copy of the said letter was also send to the Assistant Commissioner, KVS, RO, Guwahati for information.

A copy of the said letter dated 11-4-2003 is annexed herewith as Annexure-C for a ready reference.

P. Bhattacharya



4.5. That the Assistant Commissioner KVS, Regional Office, Guwahati on receipt of the Principal's letter dated 11-4-2003 immediately directed him to allow Miss.N.Goswami to join in the said KV, BRPL,Bongaigaon though there was no vacant post and accordingly on 22-4-2003 the Principal, KV, BRPL, Bongaigaon allowed Miss N.Goswami to join in the said Vidyalaya against 'O' vacancy as per direction of the Assistant Commissioner,Guwahati Region, which was intimated to the Education Officer, Kendriya Vidyalaya Sangathan, (M.O.) New Delhi-16 with copy to the Assistant Commissioner, KVS (GR) Guwahati-12 & others vide letter dated 25-4-2003 issued under Ref. No.P.38/KV,BRPL/2003-04/136-39.

P. Bhattacharya

A copy of the said letter dated 25-4-2003 is annexed herewith as Annexure-D for a ready reference.

4.7. That the applicant states that as there was only one sanctioned post of TGT(Bio) in the said Vidyalaya against which she has been working, joining of Miss.N.Goswami in the same Vidyalaya against 'Zero' vacancy compelled the applicant to think that there is some malice in the mind of the Respondents which may affect the applicant and as such the applicant submitted an application on 26-4-2003 before the Education Officer, Regional Grievance Officer,Kendriya Vidyalaya Sangathan,Guwahati Region, Guwahati-12. In

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the said application the applicant stated inter alia that she was transferred to KV, BRPL, Bongaigaon on the 1-4-2002 from K.V. No.1 Tezpur on her request as per husband was working in Kokrajhar being an employee of Assam Government and the KV, BRPL, Bongaigaon is being nearer to her home town (Kokrajhar). It was further stated that as per KVS letter F.No. 1-1-2002-03/KVS(O&M) dated 13-2-2003, the KV, BRPL, Bongaigaon has been made single section school and one post of TGT Science declared surplus and the surplus TGT was transferred to KV, Khanapara vide KVS letter No.F-7-1(D).TGT(Bio)2003/KVS/EST-II dated 31-3-2003. The displaced TGT (Miss N.Goswami) from KV Khanapara was allowed to join on 22-4-2003 against 'Zero' vacancy in the said KV, BRPL Bongaigaon, as per direction of the Assistant Commissioner, KVS (GR) Guwahati-12, and as such, the applicant was worried about her stability in the said vidyalaya, so, she requested the Education Officer, Regional Grievance Officer to look into the matter and to do justice by allowing her to complete her tenure at KV, BRPL, Bongaigaon.

P. Brahma

A copy of the said application dated 26-4-2003 is annexed herewith as Annexure-E for a ready reference.

4.8. That the applicant states that the Respondents authorities without considering the application

Contd.....8

dated 26-4-2003 of the applicant surprisingly vide office order dated 18-7-2003 issued by the Respondent No.4 under No.F-1-3/2 TGT/2003-04/KVS(Estt.II) transfer the applicant from KV,BRPL,Bongaigaon to KV, Satakha in Nagaland on the plea of staff in excess of the sanctioned strength in the Vidyalaya which is required to be redeployed against the existing vacancies on other Kendriya Vidyalayas in the name of Public interest.

P. Brahma

A copy of the said office order dated 18-7-2003 is annexed herewith as Annexure-F. for a ready reference.

4.9. That in pursuant to the said transfer order the Respondent No.6, the Principal of the K.V., BRPL, Bongaigaon issued a Relieving order on 22-7-2003 under No.F.31/KV,BRPL/2003-04/437-41 whereby the applicant was relieved in the afternoon of 22-7-2003 to report for duty at Kendriya Vidyalaya, Satakha (Nagaland) immediately.

A copy of the said Relieving order dated 22-7-2003 is annexed herewith as Annexure-G for a ready reference.

4.10. That the applicant on receipt of the said transfer order dated 18.7.2003 issued by the Education Officer, KVS, New Delhi-16 and the relieving order dated 22-7-2003 and having no other alternative submitted

an application on 1-8-2003 before the Commissioner, KVS, 18th Institutional Area, Shaheed Jeet Singh M Marg, New Delhi-16 stating all the facts. In the said application the applicant stated inter alia that the joining of Miss N.Goswami against 'Zero' vacancy is illegal and the Assistant Commissioner,(GR) has acted illegally and arbitrarily in directing the principal, KV, BRPL, Bongaigaon for allowing Miss N. Goswami to join against the 'Zero' vacancy. It was further stated that the impugned transfer order as well as relieving order will adversely affect her family life as she has two school going children residing with her and she can not take them to such remote area and requested the authority to do justice being a lady teacher. The applicant also stated that in a similar case a teacher joined against 'Zero' vacancy in K.V.No.1, Tezpur has been transferred to K.V.Lakra, but in her case it was reversed. The Respondent instead of transferring Miss N.Goswami who has joined against 'Zero' vacancy, transfer the applicant to Satakha who was working against a sanctioned post in the said vidyalaya. Lastly the applicant requested the Commissioner, KVS, New Delhi to look into the matter sympathetically and to do justice by allowing her to stay at KV, BRPL, Bongaigaon.

P. Brathme

A copy of the said application dated 1-8-2003 is annexed herewith as Annexure-H. for a ready reference.

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4.11. That the applicant begs to state that the Respondent authorities acted illegally and arbitrarily in transferring the Respondent No.7 vide order dated 31-3-2003 from K.V.Guwahati, Khanapara to K.V.BRPL, Bongaigaon where there was no vacant post and the direction of Respondent No.5 to allow Miss N.Goswami to join against 'Zero' post is also violates the transfer guidelines of the KVS, and as such the applicant preferred an application being O.A.No.189/2003 before this Hon'ble Central Administrative Tribunal praying inter alia to set aside and quashed the transfer order dated 18-7-2003 as well as the relieving order dated 22-7-2003 and in the interim to stay the transfer order till disposal of the case.

4.12. That this Hon'ble Tribunal was pleased to issue notice to the Respondents to show cause why the application shall not be admitted returnable by three weeks and in the meantime it was directed that the order dated 18-7-2003 relating to transfer of the applicant from K.V. BRPL, Bongaigaon to K.V.Satakha would remain suspended and the relieving order dated 22-7-2003 was also kept in abeyance till returnable dated vide order dated 22-8-2003 and the said interim order is still in force.

A copy of the said order dated 22-8-2003 passed in O.A.No.189/2003 is annexed herewith as Annexure-I.

Contd.....11

4.13. That the Respondents No. 1 to 6 entered appearance in O.A.No. 189/2003 and contested the case by filing written statements on 31.10.2003 and the said case i.e. O.A.No. 189/2003 is still pending ~~for ready~~ for admission/Hearing.

P. B. Bhatnagar

4.14. That be it mentioned herein that though this Hon'ble Tribunal vide order dated 22.8.2003 suspended the transfer order dated 18.7.2003 and kept abeyance the relieving order dated 22.7.2003 as an interim relief the Respondent authorities was duty bound to allow the applicant to join in duties at K.V. BRPL, Bongaigaon but the Respondents authorities did not allowed her to join in duties at K.V. BRPL, Bongaigaon nor she had been paid the salary w.e.f. 23.6.2003 upto date. The applicant, therefore, filed a contempt petition Civil No. 58/2003 for non-compliance of the order dated 22.8.2003 passed by this Hon'ble Tribunal in O.A.No. 189/2003. This Hon'ble Tribunal also pleased to issue notice to the contemnors on 24.12.2003 returnable by 6 weeks which is also pending before this Hon'ble Tribunal.

4.15. That while those applications being O.A. No. 189/2003, Contempt petition Civil No. 58/2003 are pending before this Hon'ble Tribunal for final decision the Respondent No. 4 surprisingly and in an illegal manner issued another transfer order dated 22.1.2004 under Memorandum No. F-19-327(4)/2003-

Contd...

-:12:-

KVS (L & C)/Estt. II whereby the applicant has been again transferred (attached) to K.V.No. 1 AFS, Jorhat from K.V. BRPL, Bongaigaon and directed to report for duty at K.V. AFS Jorhat.

P. B. Sharma

A copy of the said transfer Memorandum dated 22.1.2004 is annexed herewith as ANNEXURE- 'J'.

4.16. That in pursuant to ~~for~~ the impugned transfer Memorandum dated 22.1.2004, the Assistant Commissioner, Regional Office, Maligaon Chariali, Guwahati- 12 wrote to the Principal, K.V. AFS, Jorhat to declare the period from 22.8.2003 till the report of the applicant at K.V. No. 1, AFS Jorhat as "On Duty" and to disbursed her pay and allowances just with malafide entention to compelled the applicant to move from K.V. BRPL, Bongaigaon to K.V. No.- 1, AFS, Jorhat.

A copy of the said letter dated - 22.1.04 of the Assistant Commissioner to the Principal, K.V.No. 1, Jorhat is annexed herewith as ANNEXURE- 'K'.

4.17. That the applicant begs to state that the Respondents acted illegally and arbitrarily in transferring the applicant afresh from K.V. BRPL, Bongaigaon to K.V. No. 1, AFS, Jorhat by violating

Contd....

this Hon'ble Tribunal's order dated- 22.8.2003 and with a mala fide intention to accomodate the Respondent No. 7 in the post of the applicant and to save themselves from the aforesaid contempt proceedings and as such the impugned transfer memorandum dated- 22.1.2004 is liable to be set aside and quashed.

P. Brahma

4.18. That the applicant begs to state that the Respondents acted illegally and arbitrarily in allowing the Respondent No. 7 to join against a 'Zero' vacancy means no vacancy and thereafter to accomodate her (Respondent No.7) transferred the applicant who was serving against a sanctioned post of TGT (Bio) first to K.V. Satakha, Nagaland vide order dated- 18.7.2003 and when the said transfer order was stayed by this Hon'ble Tribunal and the matter is pending, the Respondent No. 4 again transfer the applicant vide the Impugned transfer Memorandum dated- 22.1.2004 to K.V. No. 1, AFS, Jorhat, to materialise their mala fide intention to accomodate the Respondent No. 7.

4.19. That the applicant states that the Respondents authorities acted illegally in not paying the monthly salary of the applicant since 23.6.2003 without showing any reasons though they are duty bound to pay the salary of the applicant from the K.V. BRPL, Bongaigaon as the transfer order dated- 18.7.03

Contd...



was stayed by this Hon'ble Tribunal vide order dated-  
22.8.2003. Non-payment of salary of the applicant w.e.f.  
23.6.2003 has badly affected the livelihood of the  
applicant and her family members.

P. Brahma

4.20. That the applicant states that the letter  
dated 22.1.2004 issued by the Respondent No. 5,  
Assistant Commissioner to the Principal, K.V. AFS,  
Jorhat to disburse the salary from K.V. AFS, Jorhat  
from 22.8.2003 is not at all tenable under the facts  
and circumstances of the case and as such, the  
Respondent may be directed to pay the salary of the  
applicant from K.V. BRPL, Bongaigaon w.e.f. 23.6.2003  
as falls due .

4.21. That the applicant states that it is a  
fit case for the Hon'ble Tribunal to interfere with  
the impugned transfer Memorandum dated 22.1.2004  
to protect the rights and interest of the applicant  
by directing the Respondents to allow the applicant  
to join her duties at K.V., BRPL, Bongaigaon as per  
order dated 22.8.2003 passed in O.A.No. 189/2003  
and/or for suspension of the operation of the impu-  
ghed order dated 22.1.2004 till the cases of the  
applicant is considered by this Hon'ble Tribunal.

4.22. That this application is made bonafide  
and in the interest of Justice.

Contd...

5. GROUND(S) FOR RELIEF(S) WITH LEGAL PROVISIONS :-

5.1. For that the impugned order of transfer dated 22.1.2004 is illegal and as such is liable to be set aside.

5.2:- For that the Respondents authorities acted illegally and arbitrarily in transferring the applicant, first to K.V. Satakha, Nagaland and now to K.V. No. 1, AFS, Jorhat from K.V. BRPL, Bongaigaon just to accommodate the Respondent No. 7 who was allowed to join at K.V. BRPL, Bongaigaon against a 'Zero' means no vacancy and as such the impugned order is liable to be set aside.

5.3. For that as the matter of transfer of the applicant from K.V. BRPL, Bongaigaon to K.V. Satakha is stayed by this Hon'ble Tribunal and the matter is still pending for final disposal, the subsequent transfer order dated 22.1.2004 is not tenable in law as it stands against the order dated 22.8.2003 passed by this Hon'ble Tribunal in O.A. No. 189/2003 and as such the impugned order is

P. Brahma

liable to be set aside and quashed.

5.4. For that the Respondent authorities have issued the impugned order of transfer dated 22.1.2004 with an ulterior motive just to harass the applicant and to accommodate the Respondent No. 7 and to defence themselves from the contempt proceedings pending before this Hon'ble Tribunal .

P. Baskara

5.5. For that in any view of the matter, the impugned transfer memorandum dated- 22.1. 2004 is bad in law and as such is liable to be set aside.

6. DETAILS OF REMEDIES EXHAUSTED :

That the applicant states that she has no other alternative and efficacious remedy then to file this application.

7. MATTER NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OF THE TRIBUNAL OR ANY OTHER AUTHORITY:

The applicant states that she has already file and application being O.A.No. 189/2003 challenging the transfer order dated 18.7.2003 as well as the relieving order dated 22.7.2003 and this Hon'ble Tribunal was pleased to issue notice on 22.8.2003

-:17:-

and in the interim transfer order dated 18.7.2003 has been suspended and the relieving order dated- 22.7.2003 has been kept in abeyance, which is still in force and the matter is now sub-judice to this Hon'ble Tribunal, but the Respondents No. 4, ignoring the said stay order dated 22.8.2003 issued the impugned transfer memo/rendum dated- 22.1.2004 transferring the applicant to K.V.No. 1, AFS, Jorhat and hence this application before this Hon'ble Tribunal.

P. Brahm

#### 8. RELIEFS SOUGHT FOR:

Under the facts and circumstances of the case the applicant prays that your Lordships would be pleased to issue notice to the Respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on cause or causes that may be shown be pleased to grant the following relief (s) :-

8.1. That the impugned transfer Memorandum No. F.19-327(4)/2003-KVS (L & C)/Estt. dated- 22.1.04 (Annexure-'1') transferring the applicant from K.V. BRPL, Bongaigaon to K.V. No. 1, <sup>AFS,</sup> ~~xx~~xx2., Jorhat be set aside and quashed.

8.2. That the letter dated 22.1.2004 issued by the Assistant Commissioner vide No. F. 15-5/2003-

Contd...

KVS(GR)/17875-79 to the Principal K.V. AFS, Jorhat to disburse the pay and allowances for the period from 22.8.03 till report for duty at K.V., AFS, Jorhat (ANNEXURE- K) be set aside and quashed with a direction to the Respondents to pay the salary of the applicant from the K.V. BRPL, Bongaigaon w.e.f. 23.6.2003 from which <sup>date</sup> her salary falls due.

P. B. Bhatia

dy

8.3. Costs of the application.

8.4. Any other relief (s) to which the applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper by this Hon'ble Tribunal.

9. INTERIM RELIEF (S):

During the pendency of the application, the applicant prays for the following relief(s) :-

9.1. That the Respondents authorities may be directed to allow the applicant to join her duties at K.V. BRPL, Bongaigaon as per order dated- 22.8.2003 passed in O.A. No. 189/2003 and not to disturb the applicant from K.V. BRPL, Bongaigaon till disposal of this application and/or suspend the operation of the impugned order of transfer dated- 22.1.2004 till disposal of this application.

Contd...

-: 19 :-

9.2. Further the Respondents may be directed to pay the salary of the applicant w.e.f. 23.6.2003 from which date it falls due from the K.V. BRPL, Bongaigaon.

10. That this application has been filed through Advocates:- Mr. N. Zaman, P.C. Dey and Ms B. Deka.

11. Particulars of the I.P.O./Bank Draft.

- (i) I.P.O./Bank Draft No. :- 116378132
- (ii) Date of issue :- 5-2-2004
- (iii) I.P.O./Bank Draft issued from :- G.P.O., Guwahati.
- (iv) I.P.O./Bank Draft payable at :- Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

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

I, Smti Pratibha Brahma, wife of Sri Khargeswar Brahma, aged about 35 years, resident of Ward No. 8, Hatimata Road, P.O. & P.S. Kokrajhar, District- Kokrajhar, Assam, do hereby verify and declare that the statements made in paragraphs- 1,2,3,4 and 6 to 12 are true to my knowledge and those made in paragraphs- 5 are true to my legal advice which I believe to be true and I have not suppressed any material facts.

And I sign this verification on this the day of 24<sup>th</sup> Feb/2004.

Pratibha Brahma  
Signature.

KENDRIYA VIDYALAYA SANGATHAN  
18, INSTITUTIONAL AREA,  
SHAHEED JEEB SINGH MARG  
NEW DELHI - 110 016

F-7-1(TGT/BIOL)/2002/KVS(Estt.III)

Date : 01/04/2002

TRANSFER ORDER

Transfer of the following Trained Graduate Teachers (Biology) are hereby ordered on request.

POST : TGT SUBJECT : BIOL

SNo. RNo.	EMPLOYEE-NAME ID No.	FROM KV STATION REGION	TO KV STATION REGION
1 21	BIJAYA PRADHAN 7365	154 103 04 KHARAGPUR NO.II (RLY)	300 171 07 PATIALA NO.III (NEW LAL BAGH C
2 22	R K PANDIT 7366	152 103 04 KALAIKUNDA NO. I	154 103 04 KHARAGPUR NO.II (RLY)
3 23	H K BINDHANI 7367	149 099 04 GOMOH	152 103 04 KALAIKUNDA NO. I
4 24	D K MANGAIN 7368	793 454 18 LOKTAK (HRP)	313 174 08 PARBILLY, IZZAT NAGAR (IVRI)
5 25	CHANCHAL GUMBER 7369	517 188 08 MUZAFFAR NAGAR	349 196 08 SRINAGAR (SSB)
6 26	SNEH P ARORA 7370	355 198 09 BADARPUR (NTPC)	352 198 09 ANDREWS GANJ
7 27	KARANJIT KAUR V 7371	458 241 11 HYDERABAD, UPPAL NO.II(SOI)	360 198 09 DELHI CANTT NO.I
8 28	SARITA SURI 7373	018 010 01 GANDHIDHAM (IFFCO)	379 203 09 MURAD NAGAR
9 29	KANCHAN PARASHAR 7374	576 316 13 SURATGARH NO.I (AFS)	358 199 09 DADRI (AFS)
10 30	PRATIBHA BRAHMA 7375	437 231 10 TEZPUR NO.I	407 212 10 BONGAIONGAON (BRPL)

This issues with the approval of the competent authority of KVS.

*(Signature)*

(M.K. RAO)

DY. COMMISSIONER (Admn.)

DISTRIBUTION :

1. The individual concerned.
2. The Principal concerned with the direction to relieve the employee immediately. They are also directed to intimate this office/RO concerned about relieving/joining of the employee.
3. Asstt. Commissioner, KVS, RO concerned for information and necessary action.
4. Audit and Accounts officer of the Region concerned for necessary action.
5. General Secretaries of the recognised associations of KVS.
6. Office Copy

AI

*certified & correct copy*  
*(Signature)*  
9/12/2004

32

(Typed Copy ).

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

No.

Date : 31.03.2003.

TRANSFER ORDER

In terms of clause 10(1)(3) of the transfer guidelines which inter-alia, provides to create a vacancy so as to accommodate the persons who are figuring in priority list. If, as per their priority position, transfer of the following is hereby ordered on request/in public interest. The lady employees getting displaced out of National Zone have been adjusted against the vacancy within the Notional Zone, subject to its availability. Otherwise the seniormost male teacher in the Notional Zone has been displaced out of Notional Zone to restrict female employees displacement within the Notional Zone. In case both the above options were not possible, the female employees have been displaced out of Notional Zone. This is as per amended clause 10(2) of the said guidelines circulated vide 1-1/2002-2003/KVS(E.III dated 8.1.03. The employees transferred in public interest is entitled for all transfer benefits as per KVS Rules. The transfers are with effect from 1.4.2003.

POST : TGT SUBJECT : BIOL

<u>Employee Name</u> <u>ID.No.</u>	<u>Sex</u>	<u>Transferred</u> <u>from</u>	<u>To</u>	<u>Female Nature</u> <u>Disp. of trans-</u> <u>fer</u>
1. Ranjita Das 4665 (By Displacing)	F	Bongaigaon(BRPL)	On Reg.	Guwahati, Khanapara In public int.
2. N.Goswami, 4666	F	Guwahati, Khanapara.	U/c 10(2) Bongaigaon (BRPL)	

.....  
.....

Sd/- P.Devasena,  
Education Officer.

Confirmed to be true 6/4/03  
[Signature]  
9/2/2004



TRANSFER ORDER

In pursuance of the Transfer Guidelines which inter-alia, provide to create a vacancy so as to accommodate the persons who are figuring in priority list III as per their priority position transfer of the following, is hereby ordered on request in public interest. The lady employees getting displaced out of National zone have been adjusted against the vacancy within the National Zone subject to its availability. Otherwise the senior most male teacher in the National Zone has been displaced out of National Zone to restrict female employees displacement within the National Zone. In case both the above options were not possible, the female employees have been displaced out of National Zone. This is as per amended clause 10(2) of the said guidelines circulated vide 1-1/2002-2003/ KVS(E.II) dated 2.1.03. The employees transferred in public interest is entitled for all transfer benefits as per KVS Rules. The transfers are with effect from 1/4/2003.

POST : TGT SUBJECT : B10L

PNR.	EMPLOYEE-NAME	SEX	TRANSFERRED	Female Nativity
RNO.	ID.NO.		FROM TO	Disp. of
			KV STN RGN NZ KV STN RGN NZ	1-2 trans Y/N
(1)	(2)		(3)	(4)
1	RANJITA DAS		1434 224 10 4	1442 227 10 4 On Req.
17	4665	F	BONGAIGAON (BRPL)	GUWAHATI, KHANAPARA
	(BY DISPLACING)			In Pub.Int.
1	N.GUSWAMI		1442 227 10 4	1434 224 10 4 U/c 10(2)
17	4666	F	GUWAHATI, KHANAPARA	BONGAIGAON (BRPL)
	(BY DISPLACING)			
2	ILAPOGU SHARNALATHA AZARAIH		1217 132 05 3	1492 251 11 5 On Req.
18	4667	F	DEHURDAD NO.II	SECUNDERABAD, PICKET
	(BY DISPLACING)			In Pub.Int.
2	C RENUKA DEVI		1492 251 11 5	1713 382 16 5 U/c 10(2)
18	4668	F	SECUNDERABAD, PICKET	CHENNAI, AVADI (AFS)
	(VICE)			
2	SELVIN ROBERT M		1713 382 16 5	1217 132 05 3 In Pub.Int.
18	4668	M	CHENNAI, AVADI (AFS)	DEHURDAD NO.II

This issues with the approval of the Competent Authority of KVS.

NZ=National Zone.

DISTRIBUTION :

1. The individual concerned.
2. The Principal concerned with the direction to relieve the employee immediately. They are also directed to intimate this office/ RO concerned about relieving/ joining of the employee.
3. Asstt. Commissioner, KVS/ RO concerned for information and necessary action.
4. Audit and Accounts officer of the Region concerned for necessary action.
5. General Secretaries of the recognised associations of KVS.
6. Office Copy

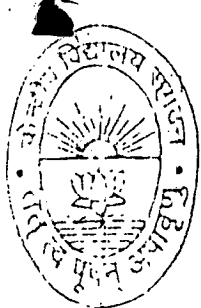
(P.DEVASENA, I)  
EDUCATION OFFICER

39  
10/04/2003

Received  
10/4/03

Confirmed Hk due 687  
19/2/2004

Handwritten: 23rd Oct



# केन्द्रीय विद्यालय (बी.आर.पी.एल.) बंगाईगाँव

पो० धालीगाँव, जिला : बंगाईगाँव (असम), पिन कोड-783385  
फोन : (03664) 43026, 41265, आन्तरिक : 8225, 761

*Kendriya Vidyalaya (BRPL) Bongaigaon*

P.O. DHALIGAON-783385 . DIST. BONGAIGAON (ASSAM)

☎ : (03664) 43026, 41265 & Intercom : 8225, 761

सं. सं. सं. सं.

Ref. No. 7-1(D)/(TGT/BIOL)/2003/KVS(Estt.II) dated 31.03.2003

दिनांक :

Date : 11/04/2003

To: P. Devasena  
Education Officer,  
Kendriya Vidyalaya Sanganthan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-110 016.

Sub: TRANSFER ORDER - Reg.

Ref: No. 7-1(D)/(TGT/BIOL)/2003/KVS(Estt.II) dated 31.03.2003

Sir,

With reference to the transfer order No. cited above Ranjita Das TGT(Bio) of this Vidyalaya has been transferred to K. V. Guwahati, Khanapara on Request and N. Goswami of K. V. Khanapara posted to this Vidyalaya in public interest.

In this connection I am to inform you that there is only one sanctioned post of TGT(Bio) for the session 2003-04 in this Vidyalaya against which the teacher is already working.

This is for your kind information and necessary action please.

Yours faithfully,

(A.M.KHAN)

PRINCIPAL

- Copy to:- 1. The Assistant Commissioner, KVS, RO, Guwahati for information.  
2. The Principal, K. V. Khanapara, Guwahati for information.

PRINCIPAL

प्रधान/Principal,

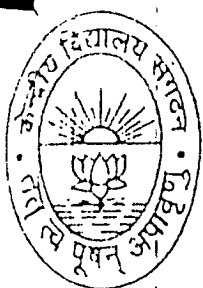
केन्द्रीय विद्यालय/ENDRIYA VIDYALAYA

बी.आर.पी.एल. बंगाईगाँव/BRPL Bongaigaon

असम/ASSAM

Confirmed to be true 697  
9/2/2003

35



# केन्द्रीय विद्यालय (बी.आर.पी.एल.) बंगाईगाँव

पो० ढालीगाँव, जिला : बंगाईगाँव (असम), पिन कोड-783385  
फोन : (03664) 43026, 41265, 8225, 761

Kendriya Vidyalaya (B.R.P.L) Bongaigaon

P.O. DHALIGAON-783385 . DIST. BONGAIGAON (ASSAM)

Ph: (03664) 43026, 41265 & Intercom : 8225, 761

प्राप्त सं० :

Ref. No. : 35/100/2003-136/395

दिनांक :

Date : 25/04/2003

The Education Officer, (P.S. II)  
Kendriya Vidyalaya Sangathan,  
(H.Q.), New Delhi - 16.

Subject :- Intimation regarding joining of Teachers.

Sir,

With reference to the subject cited above, It is informed you that the following teachers have joined in this Vidyalaya on transferred.

Details are given below :-

Sl.No.	Name of Teachers	Latter No. & Date	Date of joining	Remarks
01.	Miss N. Goswami TGT(CBZ)	F. 7-1(D)(TGT/BIOL) 2003/KVS(Estt.II) dt. 31/03/2003	22/04/2003 (F/N)	Joined against '0' vacancy as AC's (GR) Instruction.
02.	Smt. Minati Nobis PRT	F. 2-1(PRT/2003/KVS/ (Estt.II) dt. 31/04/2003	11/04/2003 (F/N)	

Yours faithfully,

*M.R. Pathak*  
(M.R. Pathak)  
PGT (Maths)  
Offg. Principal

Principal/Principal.

Copy for Information & necessary action to :-

- 1) The Asstt. Commissioner, KVS(GR), Guwahati - 12.
- 2) The Principal, KV, Khanapara, Guwahati - 22.
- 3) The Principal, KV, Panbari, Dhubri.

*M.R. Pathak*  
PRINCIPAL 25/04/03

Principal/Principal.

Kendriya Vidyalaya

Bongaigaon

Certified to be true copy  
*[Signature]*  
25/04/03

From:  
Pratibha Brahma  
K.V.BRPL,Bongaigaon  
26<sup>th</sup>, April, 2003

To  
The Education officer,  
Regional Grievance Officer,  
Kendriya Vidyalaya Sangathan,  
Guwahati Region,  
Guwhati-12

Through Proper channel

Sub:- Joining of TGT (Bio) in Zero vacancy

Sir,

With due respect and honour I would like to bring the following few lines for your kind consideration and favorable action.

1. Sir, I joined the KVS in the year 1.8.1995 and was initially posted at K.V Kokrajhar as TGT (CBZ).
2. In the year 2001 I was declared surplus from K.V.Kokrajhar and posted to K.V.No.1, Tezpur.
3. I was then transferred to K.V.BRPL in the year 2002 on request transfer.
4. Sir, as per KVS letter F.No.1-1-2002-03/KVS(O&M), Dated 13.2.2003, the KV, BRPL, Bongaigaon has been made Single Section school and one post of TGT Science declared surplus. The surplus TGT was transferred (On request) to KV, Khanapara, as per KVS letter F-7-1(D). TGT(Bio)2003/KVS/EST-II. Dated 31.3.2003. The displaced TGT from KV Khanapara has joined KV.BRPL on 22.04.2003 against Zero Vacancy.
5. Sir, as another TGT has joined in this Vidyalaya, I am worried of my stability at this Vidyalaya, although I have completed only one year of tenure. My husband is a permanent employee of Assam government and presently working in Kokrajhar, which is also my home town. I have requested transfer in KV, BRPL as the said KV is nearer to my home town. So if I am transferred to some other places I will have to face great difficulties which will also adversely affect my children.

Hence I request your good self to kindly look into the matter and do justice by allowing me to complete my tenure at K.V.B.R.P.L and oblige.

Thanking you in anticipation

Enclos :- As above

F No. 31/KV BRPL/146 dt 26/04/2003

Forwarded

Yours faithfully,

Pratibha Brahma

Pratibha Brahma  
TGT(Bio)

26/04/03

RECEIVED  
KENDRIYA VIDYALAYA  
GUWAHATI REGION  
26/04/2003

Confirmed to be done copy  
9/2/2004

KENDRIYA VIDYALAYA SANGATHAN  
18, INSTITUTIONAL AREA  
SHAHED JEEF SINGH MARG  
NEW DELHI-110016

No.F. 1-3/TGT/2003-04/KVS(Estt-II)

**SPEED POST**

Date: 18.7.2003

OFFICE ORDER

Due to fixation of staff strength in Kendriya Vidyalayas for the year 2003-2004 the staff in excess of the sanctioned strength in certain Vidyalayas is required to be redeployed against the existing vacancies in other Kendriya Vidyalayas in terms of KVS (Hqrs.) office memorandum No.F.1-1/2002-2003-KVS(Estt-II) dated 20.1.2003. Accordingly, the following Trained Graduate Teachers (Biology) are redeployed in the Kendriya Vidyalayas shown against their names in public interest with immediate effect.

S. No.	Name of the PGT	Present KV	Redeployed to KV	Name of the Region
	SlvSmt/Ms.			
1.	V. Chawla	No.1, Hindon	Mashrak	Patna
2.	Anju Arora	No.1, Delhi Cantt.	No.2, Akhnoor	Jammu
3.	S.L. Gupta	No.1, Faridabad	Kathua	Jammu
4.	Tripti Adhikari	Keshaypuram	STPS Suratgarh	Jaipur
5.	Uma Sharma	No.2, Hindon	Jalpa Cantt.	Jaipur
6.	S.K. Vaid	AFS Gurgaon	Singrauli	Jabalpur
7.	Dhira Srivastava	NF Centre	Chirmiri	Jabalpur
8.	Vinod Malhotra	NTPC Badarpur	No.4, BCPP Korba	Jabalpur
9.	Geeta Baij	Vikaspuri	No.4, Jalandhar	Chandigarh
10.	Veena	Shalimarbagh	Motihari	Patna
11.	Kawaljit Kaur	Gole Market	No.1, Udhampur	Jammu
12.	Ruby Sharma	Vikaspuri	Dharamshala Cantt.	Jammu
13.	Prabha Bidani	Janakpuri	Patratu	Patna
14.	A.K. Dubey	Hissar Cantt.	Anantnag	Jammu
15.	Shashi Dhar	Rohtak	No.4, Bhatinda	Chandigarh
16.	P.S. Lekhray	Muradnagar	Clement Town, Dehradun	Dehradun
17.	Shashi Bali	Manesar	No.3, Patiala	Chandigarh
18.	D. Das	Borjhar	Silchar	Silchar
19.	Rupali Saikia	Khanapara	Panisagar	Silchar
20.	P. Brahma	BRPL	Satakha	Silchar
21.	Uma Dutta	Bongaigaon	Angul	Bhubneshwar
22.	S.K. Mohanty	Orissa	Balsore	Bhubneshwar
23.	Ms. Manjula Mohan Gokwad	Rajamundry No.1, Vijayawada	Cuttack	Bhubneshwar
24.	Smt. Padmavathy	No.2, Vijayawada	Khurda Road	Bhubneshwar
25.	G. Ramamoorthy	No.1, Tirupathi	No.1, AFS Pune	Mumbai
26.	V. Pandey	Old Cantt. Allahabad	Dipatoli Ranchi	Patna
27.	Ms. Radhika Pandey	Phulpur Allahabad	No.1, STC Jabalpur	Jabalpur
28.	Ms. Manju Singh	Bulandshahar	Alwar	Jaipur
29.	Sh. Subedar Singh	Faizabad Cantt.	Jawaharnagar	Patna
30.	Sh. R.C. Verma	Gonda	Bokaro Thermal	Patna
31.	A. Akhrotia	AMC Lucknow	No.1, GCF Jabalpur	Jabalpur
32.	Sh. K.M. Yadav	Gomtinagar	Guhara	Patna
33.	R.A. Singh	MRN Mathura	Pachmarhi	Bhopal

*Confidential to be done by*  
*9/2/2004*

Copy

34.	Lalita Singh	Raebareli	No.3, Jhansi	Ehopal
35.	Hunjan S.K.	Kalpakkam No.1	Donimalai	Bangalore
36.	Ms. Farida Begum	No.2, Kalpakkam	MIRC Ahmednagar	Mumbai
37.	Ms. Mary Varghese	Port Blair No.1	Cossipore	Kolkata
38.	Sh. Peter Alosius V	Karaikudi	Paradip Port	Bhubneshwar
39.	Smt. Loganayaki	Coimbatore	Kudicanukh	Bangalore
40.	Sivadasan T.P.	Ottapalam	MIRC Ahmednagar	Mumbai
41.	Ms. Savithanath K.S.	No.2, Trichy	Raichur	Bangalore
42.	Laila R.G.	Palaghat No.2	ASC Bangalore	Bangalore
43.	Shyamala E.R.	PT Cochin	IIT Powai	Mumbai
44.	Aleyamma George	No.2 Cochin	INS Mandovi	Bangalore
45.	M.J. Joseph	PT Cochin	No.1, Bhusawal	Mumbai

4504

This issues with the approval of the competent authority.

*(Signature)*  
18/11/23  
(P. DEVASENA)  
EDUCATION OFFICER

Distribution to-

1. The Individual concerned.
2. The Principal, KV concerned.
3. The Assistant Commissioner, KVS(RO), concerned.
4. Guard File.

*Confirmed to be true copy*  
*(Signature)*  
19/12/2024

28  
ANX-6  
39

KENDRIYA VIDYALAYA, BRPL,  
BONGAIGAON

No. F.31/KVBRPL/2003-04/ 437 - 41

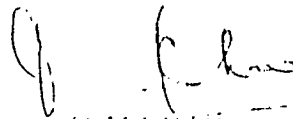
Dated : 22/07/2003.

RELIEVING ORDER

Consequent upon her transfer order No. F. 1.3/TGT/2003-04/KVS(Fst-II) dated 18/07/2003 Smt. P. Brahma, TGT(Bio.) is hereby relieved in the afternoon of 22/07/2003 to report for duty at Kendriya Vidyalaya, Satakha (Nagaland) immediately.

Her service Book and personal file will be sent separately by Registered post. However a copy of the L.P.C. is enclosed herewith.

To  
Smt. P. Brahma, TGT(Bio.)  
Kendriya Vidyalaya, BRPL,  
Bongaigaon


  
(A.M. KHAN)  
PRINCIPAL  
অধ্যক্ষ/Principal,

কেন্দ্রীয় বিদ্যালয়/KENDRIYA VIDYALAYA  
শি০ মা০ (১০ ও ১১, প্ৰৱৰ্ত্তন/BRPL, Bongaigaon.  
মা০ অসম/ASSAM ( )L.

Copy for information and necessary action to :-

- 1) The Principal, Kendriya Vidyalaya, Satakha (Nagaland).
- 2) The Asstt. Commissioner, KVS (GR), Guwahati.
- 3) The Asstt. Commissioner, KVS (SR), Silchar.
- 4) Ms. P. Devasena, Education Officer, KVS(Hqrs.) New Delhi
- 5) Personal file of Smt. P. Brahma, TGT(Bio.)
- 6) Office file.

(A.M. KHAN)  
PRINCIPAL.

*Certified to be true copy*  
  
29/7/2004

Dated. 01/08/03

To  
The Commissioner  
Kendriya Vidyalaya Sangathan  
18<sup>th</sup> Institutional Area,  
Shaheed Jeet Singh Marg  
New Delhi -16

Subject: Transfer Order Regarding

Sir,

With due respect and honor I would like to bring the following few lines for your kind consideration and favorable action.

1. Sir, I joined the KVS on 1st August, 1995 and was initially posted at K.V. Kokrajhar as TGT (CBZ).

2. In the year 2001 I was declared surplus from K.V. Kokrajhar and posted to K.V. No. 1 Tezpur.

3. Then I applied for my transfer to K.V.B.R.P.L. Bongaigaon, which is the nearest station to my hometown Kokrajhar.

4. I was transferred to K.V.B.R.P.L. Bongaigaon in April 2002 on request transfer.

5. Sir, as per KVS letter F.No. 1-2-2002-03/KVS (O&M) Dated 13-2-2003, the K.V. B.R.P.L. Bongaigaon has been made Single Section School and one post of TGT, Science declared surplus. The surplus TGT was transferred on request to K.V. Khanapara, as per KVS letter F.7-1(D). The displaced TGT from K.V. Khanapara joined K.V.B.R.P.L. on 22-04-2003 against zero vacancy. Principal of K.V. B.R.P.L. did not allow her to join as I was already working in the existing post of TGT Science. But Assistant Commissioner (GR) gave her special permission to join K.V. B.R.P.L. The Principal of K.V.B.R.P.L. immediately intimated all these matters to the Assistant Commissioner (GR) and KVS Headquarter New Delhi for correction.

6. In such a critical situation, I requested AC Sir to let me know about my position in K.V.B.R.P.L. but he refused to do so.

7. Sir, now unexpectedly I've been transferred to Satakha Nagaland as per KVS letter No. F.1-3/TGT/2003-04/KVS ESTT-11 Dated 18-7-2003 although I've completed only one year of tenure in K.V. B.R.P.L. This is a sheer injustice meted to a helpless lady teacher like me.

8. Sir, this transfer will adversely affect my family especially, my two children because I'll not be able to take them to remote area like Satakha along with me. Besides I don't have any one to look after them in my absence.

9. Sir, similar case of a teacher joining against zero vacancy in K.V. No. 1, has been transferred to K.V. Lakra. But in my case reverse has happened without any fault of mine.

10. Sir, I've always tried my level best to be a good teacher and devotedly rendered my service for the well-being of students & school as a whole. Students & Annual Inspection Team conducted by KVS has always appreciated my teaching. But continuous transfer has greatly disturbed my service life and I'm mentally depressed. Presently, I'm severely suffering from Cervical Spondylitis and Hypertension.

Hence, I request your good self to kindly look into the matter sympathetically and do justice by allowing me to complete my tenure at K.V.B.R.P.L. Bongaigaon and oblige.

Thanking you in anticipation.

Confirmed to be done  
9/2/2004

Yours faithfully,  
Pratibha Brahma  
PRATIBHA BRAHMA TGT, CBZ



FORM NO. 4  
(SEE RULE 42)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWALATI BENCH

ORDER SHEET

Original Application : 189/2003  
Misc Petition No. :  
Contempt Petition No. :  
Review Application No. :

Applicants:- Smt. Pratibha Brahma  
Respondents:- U.B. I PONG  
Advocate for the Applicants:- Mr. N. Zaman  
Advocate for the Respondents:- Mr. P.C. Dey  
Ms. B. Debn  
KVS, S.C.

Notes of the Registry	Date	Order of the Tribunal
	22.8.2003	Heard Mr. P.C. Dey, learned counsel for the applicant and also Mr. M.K. Mazumdar, learned standing counsel for the K.V.S.

Issue notice to show cause as to why the application shall not be admitted.

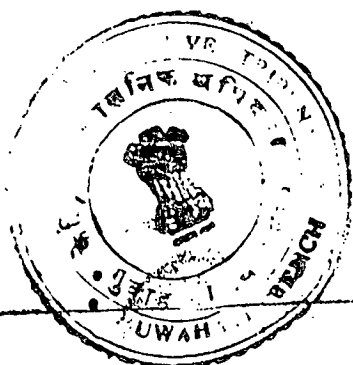
Also, issue notice to show cause as to why impugned Office Order No.F. 1-3/TGT/2003-04/KVS(Estt-II)/ dated 18.7.2003 relating to transfer of the applicant from BRPL, Bongaigaon to Satakha and the consequent Relieving Order No.F.31/KVBRPL/2003-04/437-41 dated 22.7.2003 shall not be suspended. Returnable by three weeks.

In the meanwhile, the order dated 18.7.03 relating to transfer of the applicant from BRPL, Bongaigaon to Satakha shall remain suspended and the relieving order dated 22.7.2003 shall

Contd/-



Complied & before copy  
[Signature]  
5/12/2004

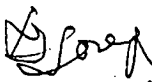


be kept in abeyance till the return-  
able date.

List again on 19.9.2003 for  
admission.

Sd/VICE CHAIRMAN

Certified to be true Cor  
প্রমাণিত প্রতিলিপি

  
Deputy Registrar (A)  
Central Administrative Tribunal  
Guwahati  
29/8/03

JAO (Speedpost)

KENDRIYA VIDYALAYA SANGATHAN  
18, INSTITUTIONAL AREA  
SHAHEED JEEF SINGH MARG  
NEW DELHI-110016

F.19-327(4)/2003-KVS(L&amp;C)/Estt.II

Dated: 22/1/04

MEMORANDUM

Whereas Smt. P. Brahma, TGT(Bio.), Kendriya Vidyalaya, BRPL Bongaigaon was redeployed at K.V., Satakha vide KVS(HQ.) Memorandum No.F.1-3/TGT/2003-04/KVS(Estt-II) dated 18.7.2003 at the time of liquidating excess to requirement situation.

Whereas Smt. P.Brahma, TGT(Bio.) filed an OA No.189/2003 in the Hon'ble CAT, Guwahati Bench against the said order dated 18.7.2003.

Whereas Hon'ble CAT, Guwahati Bench, in its interim order dated 22.8.2003 suspended the order dated 18.7.2003 and also directed the relieving order dated 22.7.2003 to be kept in abeyance.

Whereas no vacancy for the post of TGT(Bio.) exists at K.V., BRPL Bongaigaon to accommodate the applicant. Hence, Smt. P. Brahma, TGT(Bio.) is hereby temporarily attached at K.V. No.1, AFS Jorhat, Guwahati Region with immediate effect. This temporary attachment is subject to the outcome in OA No.189/2003 and without prejudice to the rights of KVS.

Smt. P.Brahma, TGT(Bio.) is hereby directed to report for duty at KV AFS Jorhat without much loss of time.

This issues with the approval of the competent authority.

(P. DEVASENA)

EDUCATION OFFICER

Smt. P. Brahma  
TGT(Bio.)  
W/o Sh. Kargeswar Brahma  
Resident of Haimada Road  
Kokrajhar, Ward No.8  
P.O. & Distt. Kokrajhar  
(Assam) Pin-783370.

Copy to-

1. The Assistant Commissioner, KVS(RO), Guwahati. Hon'ble CAT, Guwahati Bench may kindly be apprised accordingly.
2. The Assistant Commissioner, KVS(RO), Silchar.
3. The Principal, KV, BRPL Bongaigaon/ Satakha/ No.1, AFS Jorhat.
4. Court Case Guard File.
5. Guard File.

Complied to below copy  
22/1/04

22/1/04



# KENDRIYA VIDYALAYA SANGATHAN केन्द्रीय विद्यालय संगठन

क्षेत्रीय कार्यालय  
मालीगांव चारिआली  
गुवाहाटी : ७८१ ०१२

Regional Office  
Maligaon Chariali  
Guwahati - 781 012

Phone : 2571799  
2571798  
Tele Fax : 2571797

पत्राक

No. F. : 15-5/2003-KVS(GR)/17875-79

दिनांक

Dated : 22.01.2004

To

**BY SPEED POST**

The Principal,  
Kendriya Vidyalaya,  
AFS Jorhat.

Subject : M.P. No.103/03 in OA No.189/03, filed by Smt. P. Brahma, TGT(Bio.) regarding Payment of Salary.

Ref. : Memo No.2252, dt.10.11.03 of Hon'ble CAT, Guwahati Bench.

Sir,

With reference to the above, I am to state that it has been decided by the Competent Authority KVS(Hrs) and conveyed vide letter dated 22/1/04 (Copy enclosed) that the Period from 22.08.2003 (Date of intern order) till she reports for duty at KV AFS Jorhat, where she has been temporarily attached may be treated as "ON DUTY". Accordingly pay & allowances due to her may be disbursed based on the Reliving Order/LPC as per rules.

Yours faithfully,

( S. S. SEHRAWAT )

ASSISTANT COMMISSIONER

Copy to :-

1. Mrs. P. Brahma, TGT(Bio.) W/O Sh. Kargeswar Brahma, Hatimate Road, Kokrajhar, ward No.8, Kokrajhar, Pin.783 370, alongwith a copy of the Memorandum dt.22.1.04. She is directed to resume duty at KV AFS Jorhat by 31.01.04.
2. The Principal, KV, BRPL Bongaigaon.
3. Ms. P. Devasena, E.O, KVS(H.O) with reference to her above said letter.
4. The KVS standing counsel for apprising to the Hon'ble CAT Ghy. Ben.

*S. S. Sehrawat*  
ASSISTANT COMMISSIONER

*Certified to be true copy*  
*[Signature]*  
9/2/04