

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 137/2003

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E.P/M.A No. 83/2002

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SECTION OFFICER (Judl.)

*[Signature]*  
16.11.17

FROM No. 4  
(SEE RULE 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 137/103

Misc Petition No: \_\_\_\_\_

Contempt Petition No: \_\_\_\_\_

Review Application No: \_\_\_\_\_

Applicants: - Mrs. Rumita Bora

Respondents: - K.V.S.

Advocate for the Applicants: - G.N. Sahewalla, P.Bora, B.Sarma

Advocate for the Respondents: - K.V.S.

Notes of the Registry	Date	File	Order of the Tribunal
This application is in form but not in time Condonation Petition is filed, not filed C.R. for Rs. 5/- deposited vide JPO/BD No. 86488/113 Dated 21.6.03	24.6.2003		Heard Mr. P. Bora, learned counsel for the applicant and also Mr. M.K. Mazum- dar, counsel for the respondents. Issue notice to show cause as to why the application shall not be admitted. Also, issue notice to show cause as to why interim order as prayed for shall not be granted. Returnable by ten days.  In the meantime, the order No. F2019 /2003-KVS/CSR/991-32 dated 9.4.2003 transferring and posting the applicant from Sibsagar to Churachandpur so far the applicant is concerned as well as the order No. F.No.-19-512(14)/2003-KVS(L&C) dated 2.6.2003 rejecting the representa- tion of the applicant shall remain stayed till the returnable date.
Steps alongwith envelops taken.			List again on 30.6.2003 for admission.
Pt. comply order dated 24/6/03.		mb	Vice-Chairman

Notice prepared & sent  
to DSC for my the  
Respondent No. 1 to 4  
by Regd. A.D.  
DINo 1358 to 1360

O.A.No.137/2003

30.6.2003

No reply so far filed. Mr.M.K. Mazumdar, learned counsel appearing on behalf of the respondents prays for a little accommodation to enable him to file reply. Let the respondents file reply and the matter be placed for orders on 11.7.2003.

~~No. 1 reply has been  
filed by the respondent.~~

10.7.03

Pl. copy on dated  
11/7/03. WJS  
11/7/03

bb

11.7.2003

Reply has been filed by the respondents. The case may now be listed for hearing on 7.8.2003. The applicant may file rejoinder, if any.

Interim order dated 24.6.2003 shall continue.

Vice-Chairman

Order dtd 11/7/03 Committed  
to the parties concerned.

mb

15/7

4.8.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. N.D. Dayal, Administrative Member.

Put up again on 12.8.2003 for hearing.

Member

Vice-Chairman

mb

12.8.2003

Put up again on 29.8.2003 for hearing.

20  
31/7/03

12.8.03  
WJS filed by the  
Respondent No. 4.

mb

29.8.2003

Put up again on 5.9.03 for hearing. Interim order to continue.

Vice-Chairman

nkm

Vice-Chairman

3  
O.A.137/2003

Office Note	Date	Tribunal's Order
	12.9.2003	<p>Present: The Hon'ble Mr.K.V.Prahaladan Administrative Member.</p> <p>Mr.M.K.Mazumdar, learned counsel for the respondents prays for adjourn- ment of the case.</p> <p>Prayer allowed. List the case on 19.9.2003 for hearing.</p> <p><i>KV Prahalan</i> Member</p>
	19.9.2003	<p>bb</p> <p>None appears for the applicant. Mr. M.K.Mazumdar, learned counsel for the respondents was present.</p> <p>List the case on 25.9.2003 again for hearing.</p> <p><i>KV Prahalan</i> Member (A.)</p>
<u>26/9/03</u>  As per telephone necessity at 5pm informed to Mr.P.Bala Advocates (Mys) about the date of hearing on 29.9.03 and to attend the Court on that day  <i>M.P.Bala</i> 26/9/03	25.9.2003	<p>bb</p> <p>None appears for the applicant to- day also. However, Mr.M.K.Mazumdar, learned counsel appearing for the res- pondents was present.</p> <p>The case is accordingly adjourned and again listed for hearing on 29.9. 2003 in presence of the learned counsel for the applicant. Endeavour shall be made to disposed of the application on that day.</p> <p><i>KV Prahalan</i> Member</p>
		<p>bb</p>

Office Note	Date	Tribunal's Order
<p><u>22.10.2003</u></p> <p>Copy of the Judgment has been sent to the Office for sending the same to the applicant as well as to the HOD for the Regds.</p> <p><i>Stk</i></p>	<p>29.9.2003</p> <p>pg</p>	<p>Heard learned counsel for the parties. Hearing concluded. Judgement delivered in open Court, kept in separate sheets. The application is dismissed. No order as to costs.</p> <p><i>KC Pandey</i> Member</p>

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./XXX.No. 1111 137 of 2003.

DATE OF DECISION 29.9.2003.

Mrs. Rumita Bayan .....APPLICANT(S).

G.N.Sahewalla, Mr.P.Bora .....ADVOCATE FOR THE  
APPLICANT(S).

-VERSUS-

K.V.S. & Others .....RESPONDENT(S)

Mr.M.K.Mazumdar .....ADVOCATE FOR THE  
RESPONDENT(S).

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

THE HON'BLE

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 (A).

kmw

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWATI BENCH

Original Application No. 137/2003.

Date of Order : This the 29th September, 2003.

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

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

By Advocate Mr. G.N. Sahewalla, Mr. P. Bora. . . . 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,  
Kendriya Vidyalaya, Sibsagar,  
ONGC Colony, Sibsagar,  
District- Sibsagar.

. . . Respondents.

By Advocate Mr. M.K. Mazumdar.

O R D E R

MR. K.V. PRAHALADAN, ADMN. MEMBER :

The issue relates to transfer and posting. This  
application has been filed against the Transfer Order  
No. F2019/2003-KVS/CSR/991-32 dated 9.4.2003 transferring  
the applicant from Sibsagar to Churachandpur in the State  
of Manipur. In her place another Music Teacher was  
transferred from Nazira to Sibsagar. The applicant who is a  
Music Teacher at Kendriya Vidyalaya, Sibsagar approached  
this Tribunal earlier also by filing O.A.No.87/2003. This  
Tribunal by its order dated 25.4.2003 disposed of the  
application directing the respondents to dispose of the

representation of the applicant sympathetically as per law and pass appropriate order thereon. By that order the transfer and posting order of the applicant was stayed till disposal of the representation. The Commissioner, Kendriya Vidyalaya Sangathan by its order dated 2.6.2003 rejected the representation of the applicant. The Commissioner also referred to the provisions of the office memorandum No.1-1/2002-2003-KVS(Estt.II) dated 20.1.2003 regarding identification and redeployment of teachers and staff who have been found in excess to the requirement (surplus) at the station level. As per the said memorandum the teachers/staff of the particular category who has the maximum stay in a station in terms of length of service will be identified as excess and will be transferred out of station only if no vacancy exists in the station. The applicant is the longest stayee compared to the respondent No.4, Smt. K.K.Devi transferred from K.V.S,Nazira to K.V.S, Sibsagar.

2. According to the respondents the transfer is a general transfer order. There is no pick and choose policy. Transfer was made as per the policy of the Kendriya Vidyalaya. In an organisation like KVS the transfer of teachers are normal. Every transfer is likely to cause disruption and inconvenience. But that cannot be avoided.

3. Heard Mr P.Bora, learned counsel for the applicant and Mr M.K.Mazumdar, learned counsel for the respondents at length. I have given my anxious consideration to the arguments made by both sides and perused the application, written statement and rejoinder. In transfer case the administration has to take a favourable view and pass transfer order accordingly. After rejection of the representation of the applicant I do not want to interfere

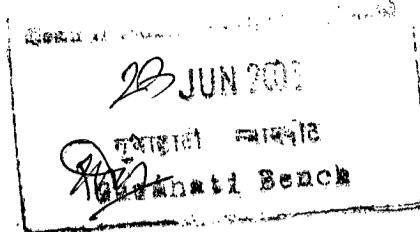
TOP

with the transfer order. This Tribunal cannot interfere in a case of transfer order done apparently as per the policy of the Kendriya Vidyalaya.

The interim order dated 24.6.2003 is accordingly vacated. The respondents are directed to pay full salary to the applicant till she is relieved from her duties w.e.f.23.4.2003.

With the observations made above, the application is dismissed. No order as to costs.

  
K.V. PRAHALADAN )  
ADMINISTRATIVE MEMBER



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH AT GUWAHATI.

ORIGINAL APPLICATION NO. 137 /2003.

Mrs. Rumita Bayan,

---Applicant.

-Versus-

Kendriya Vidyalaya Sangathan ,

--- Respondent .

**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.2091/2003-  
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.
- 6) 24.4.2003- The applicant preferred and application before this Hon'ble Court challenging  
the order dated 9.4.2003 which was registered and numbered as 87/2003 and the  
Hon'ble Tribunal after hearing the parties disposed off the application with  
direction to the respondent authority to disposed off the representation filed by  
the applicant Sympathetically as per law and same shall be disposed off  
preferably within 2 months and till then the order dated 9.4.2003 was kept in  
abeyance.
- 7) 26.4.2003- Applicant filed and the representation alongwith the copy of the order passed by  
this Hon'able Tribunal.

8) 29.4.2003- Applicant filed another application before the respondent requesting to resume her duties.

9) 2.6.2003- Order was passed by respondent No.1 disposing off the representation filed by the applicant, rejecting her prayer which was received by the applicant on 19.6.2003.

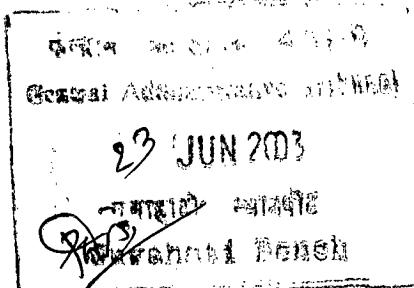
**RELIEF SOUGHT FOR:**

The applicant prays the impugned order No.F. 2019/2003-KVS/(SR)/991-32 dated 9.4.2003 transferring the applicant from Sivasagar to Churachandpur and order dated 2.6.2003 under No. F.No.-19-512(14)/203-KVS (L&C) issued by respondent No.1 disposing of the representation rejecting the prayed of the applicant 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 IF ANY PRAYED FOR :**

The applicant pray that in the interim operation of the impugned order No. F. 2019/2003-KVS/CSR/991-32 dated 9.4.2003 and order dated 2.6.2003 under No. F.No.-19-512(14)/203-KVS (L&C) issued by respondent No.1 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.

DISTRICT:



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI.

O.A. NO. 137 /2003

MS. RUMITA BAYAN

----- Applicant

-VERSUS-

KENDRIYA VIDYALAYA SANGATHAN,

--- Opposite Party.

Bench : A/B

Subject :

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Filed by:

*Ramkumar*  
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI.

Filed by :  
Rumita Bayan  
through  
P. Bozor  
Advocate  
23/6/03

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

ORIGINAL APPLICATION NO. 137 /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, Kendriya Vidyalaya, Sibasagar, ONGC Colony, Sibsagar, District-Sibsagar.

DETAILS OF THE APPLICATION.

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

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 and order dated 2.6.2003 under No. F.No. 19-512(14)/2003-KVS (L&C) rejecting the representation filed on 22.4.2003 and 26.4.2003.

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 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.

F. That as the representation dated 22.4.2003 has not disposed off by the respondents the applicant preifened an application before this Hon'ble Tribunal challenging the order dated 9.4.2003 which was registered and numbered as O.A. No.87/03 and this Hon'ble Tribunal after hearing the counsel for both the parties vide its order dated 25.4.2003 disposed off the application with the direction that the authority disposed off the representation sympathetically as per law within 2 months.

*Ramila Bector*

A copy of the order dated 25.4.2003 is annexed hereto and is annexed as ANNEXURE-III.

G. That the applicant after obtaining the certified copy of the order dated 25.4.2003 immediately filed another representation on 26.4.2003 alongwith the copy of the order passed by this Hon'ble Court before the respondent No.2 and thereafter on 29.4.2003 the applicant filed another representation before respondent No.2 through respondent No.3 requesting for resuming duty. Be it stated herein that the applicant has been regularly attending the school. But since April 2003 her salary has not been paid till date.

A copy of the representations dated 26.4.2003 and 29.4.2003 are annexed here to and are marked as ANNEXURE-IV & V. respectively.

H. That on 19.6.2003, the applicant received a copy of memorandums dated 2.6.2003 issued by the respondents No.1 whereby the respondent No.1 most arbitrarily disposed of the representations of the applicant by rejecting her prayer and also directed to report at the place of posting forthwith.

A copy of the memorandum-dated 2.6.2003 is annexed hereto and is annexed as ANNEXIRE-VI.

##### 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.

- iv) For that the respondent failed to consider the representation filed by the applicant sympathically as directed by this Hon'ble Tribunal and rejected the same on some extensions ground as such the impugned orders are liable to be set aside and quashed.
- v) For that even as per the memorandum 20.1.2003, it is stated that there are many teachers who are serving at Sibsagar for more than the period the petitioner is serving but the others were not transferred whereas the applicant has been transfer and as such the impugned orders are liable to be set aside and quashed.
- vi) For that the teacher of Nazira Miss K.K. Devi who is transferred to Sibsagar and allegedly for her accommodation the applicant has been transferred to Churanchand Pur, there is no reason why K.K. Devi could not have been transferred to Churachand Pur without disturbing the petitioner and the authority failed to consider this aspect of this matter while passing the impugned order and as such the impugned order are liable to be setaside and quashed.
- vii) For that the post of Music Teacher at K.V. Nazira No.2 being reduced it is Miss K.K. Devi was identified as except to requirement and could have been transferred in the vacancy created at Churanchand Pur and there is not reasons of disturbing the applicant of accommodating her at nearby place and this is violative of Article 14 of the Constitution of India and as such impugned order are liable to be set aside and quashed.
- viii) For that the respondents pass acted illegality and an bitrary in order dated 2.6.2003 without considering the difficulties of mentioned in the representation although there are several post crying vacant at Jorthat R.R.C, Borpeta & Mangaldoi and as such the impugned order are liable to be interfered with

Renuka Deyan

## 6. DETAIL OF REMEDIES EXHAUSTED:

The applicant had submitted representations dated 22.4.2003 & 26.4.2003 & 29.4.2003.

## 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 and order dated 2.6.2003 under No. F.No.-19-512(14)/203-KVS (L&C) issued by respondent No.1 disposing of the representation rejecting the prayer of the applicant 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 to pay the salaries since month of April 2003 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 dated 2.6.2003 under No. F2019/2003-KVS/CSR/991-32 dated 9.4.2003 and order dated 2.6.2003 under No. F.No.-19-512(14)/203-KVS (L&C) issued by respondent No.1 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 and also to pay the salaries regularly since April 2003.

No. of I.P.O.- 84488113

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.

- 7 -

## VERIFICATION

I, Smt. Rumita Byan, wife of Sri B. Barkakoti, aged about 40 years resident of ONGC Conlony, Sibsagar, do hereby verify that the statements made in paragraphs 1 to 7 are true to my knowledge and belief and I have suppressed no material fact.

And I sign this verification on the 21st day of June, 2003 at

Givernhali  
Sibsagar.

RUMITA BAYAN

## ANNEXURE - I

KENDRIYA VIDYALAYA SANGATHAN  
REGIONAL OFFICE, SILCHAR ::

No. F. 2-19/2003-KVS/(SR)/991-32

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 (R&R). Please memorandum No. F. 1-1/2002-03-KVS (Estt. II) dated 20.01.2003. Accordingly the following M/s. category staff are re-deployed in the Kendriya Vidyalayas shown against their names in public interest with immediate effect.

Rank	Name of Teacher, Post	Present K.V.	Re-deployed to K.V.
1.	Sh. R. Srinivasan, FGT (Eng)	Duliajan	Haflong
2.	Sh. K. K. Dhooram TGT (Bio)	Tinsukia	Diphu
3.	Sh. H. S. Upadhyay TGT (Bio)	Aizwal	Kohima
4.	Sh. N. Chanchi TGT (Bio)	Doom Dooma	Dinjan
5.	Mrs. Manisha Singh, TGT (Bio)	Namrup	Zakhama
6.	Sh. Debajyoti Biswas TGT (Bio)	ONGC, Srikona	Churachandpur
7.	Mitra TGT (Bio)	Silchar	Loktak
8.	Rupali Saxena TGT (Bio)	Masimpur	Silchar.
9.	Sh. Pathak TGT (Eng)	ONGC, Agartala	No. I. Agartala
10.	Sh. Cherna TGT (Eng)	Bokajan	Lumding
11.	Sh. Meeshaan. C TGT (Eng)	Satakhia	Haflong
12.	R.K. Jatav TGT (Eng)	Khatkhati	No. I. Imphal
13.	S. Radhakrishnan TGT (Eng)	Kumbhirgram	Silchar
14.	Jhuma Nath TGT (Eng)	Diphu	ONGC, Sibsager
15.	N. Malhotra TGT (Hindi)	Lumding	Loktak
16.	A. Bhattacharjee TGT (Hindi)	Masimpur	Silchar
17.	K. Khilya TGT (Hindi)	Namrup	No. I. Sibsager
18.	Rupali Tamuli FRT	Dimapur	Duliajan
19.	Sh. K. K. Devi Music Teacher, Nazira	Sibsager No. I.	Nazira.
20.	Ms. R. Bayan Music Teacher, No. I. Sibsager	Music Teacher, No. I. Sibsager	No. I. Sibsager
			Churachandpur.

They will be entitled to TA as per KVS Rules.

Certified to be true Copy  
Ranu Bora  
Advocate

(M. M. Joshi)  
ASAC Commissioner

Page - 2

Distribution:-

4. The teachers concerned.

The Principal, where the employee is presently working with the concerned individual, should immediately send intimation to this office. The incumbent should be paid advance ~~amount~~ 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 N.V. where the teacher has been redeployed is requested to intimate the date of joining of the teacher.

Asstt. Director, Education Office, KVS (HQ), New Delhi for information.

4. Audit & Account Officer, KVS (RO), Silchar for information.  
Leave File/Staff Strength File.

-10-

## ANNEXURE - II

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 transferred from K.V. Digaru to newly established K.V. Lakwa instead of my request for transfer to Sivasagar in 1996. Again I was transferred 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.S (HQ)  
(II) Principal - K. V. O.N.G.C. Sivasagar.

*RE. 1/2003/27/3677*  
RE. 10/11/03  
Asstt. Commissioner  
Sivasagar, Assam  
Group General Manager (Head Services)  
R. GUPTA  
Sivasagar, Assam

Recommended & Forwarded for  
favourable consideration  
Asstt. Commissioner  
SLC  
23/03

*Certified to be true Copy*  
*Ram Baran*  
*Advocate*

- 11 -

## ANNEXURE - III

( RULE - 4 )  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

87/03.

✓ Original Application No.

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant (s)

*Ms. R. Bayani*

vs.

Respondent (s) Union of India

Advocate for the applicant (s) Mr. C.R. Sarawali

Mr. P. Bora, Mr. B. Singha

Advocate for the respondent (s)

KVS  
Mr. M.K. Mazumdar

Notes of the Registry

Date

Order of the Tribunal

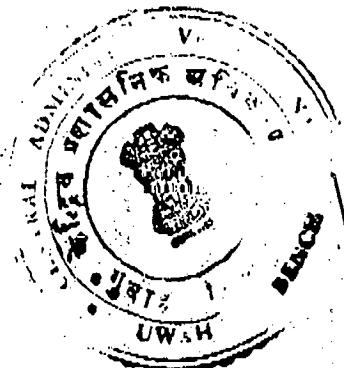
25.4.03 Present : The Hon'ble MR Justice D.N. Showdhury, Vice-Chairman.

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..

*Certified to be true Copy*  
*Ran Bora*  
*Advocate*



O.A.87/2003

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.

sd/VICE CHAIRMAN

Certified to be true copy  
Anup Singh

C.A. B. G. H. (Signature)  
Ganesh

(Signature)

# ANNEXURE - IV

-13-

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 transferred from K.V. Digaru to newly established K.V. Lakwa instead of my request for transfer to Sivasagar in 1996. Again I was transferred from K.V. Lakwa to K.V. Siavasagar in Nov/ 2000. But now I have been again transferred from K.V. Sivasagar to Churachandpur in the state of Manipur, and relieve order for transfer has been received at 14-45-Hrs. Det. 25-4-03.

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.

On the other hand, I am under medical treatment WEF from 22-4-03 for which leave application is also submitted to Principal, K.V. O.N.G.C. Sivasagar. In this situation I am not able to join at Churachandpur, Manipur.

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*  
26.04.03

Rumita Bayan (Barkakati)  
(Music teacher)  
K.V. O.N.G.C. Sivasagar

ENCLO:- Court order Sheet, Application No 87/03

(Advance copy sent to Asst. commisioner, KENDRIYA VIDYALAYA SAGATHAN.  
REGIONAL OFFICE, SILCHAR)

*Certified to be true Copy*  
*Rumita Bayan*  
*Advocate*

ANNEXURE - V - 14 -

26

To

The Asstt. Commissioner  
KENDRIYA VIDYALAYA SANGATHAN  
REGIONAL OFFICE,  
SILCHAR.

(Through Principal K. V., ONGC, Sivasagar).

Ref : Order No. F. 2-19/2003 – K.V.S./SR/992 – 32 DT. 9.4.03.

Sub : Request for resuming duty.

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 ONGC Ltd., Sivasagar. I applied for transfer from K.V. Diagaru to K.V. Sivasagar since 1989 to 1995 and ultimately I was transferred from K.V. Digaru to newly established K.V. Lakwa instead of my request for transfer to Sivasagar in 1996. Again I was transferred from K.V. Lakwa to K.V. Sivasagar in Nov'2000. But now I have been again transferred from K.V. Sivasagar to Churachandpur in the state of Manipur, where I was under medical treatment w.e.f. 22.04.2003 for which intimation letter with medical certificate was also submitted to Principal K.V. Sivasagar.

When it came to my knowledge that I have been considered for transfer from K.V. Sivasagar a representation was also sent to the Asstt. Commissioner K.V.S. (S/R) on dtd. 22.04.03 through principal praying for cancellation of transfer order but no intimation has been received in this regard.

Meanwhile I submitted the representation in CAT seeking intervention for cancellation of my transfer order and honourable CAT has been pleased to pass an order on 25.04.03, suspending my transfer order and consider my case sympathetically.

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 has been deferred on request on ground on not disturbing to academic carrier of our child.

In compliance with CAT'S order as well as doctor's fitness certificate I may kindly be advised to resume in my duty.

This is for your kind and necessary action please.

Thanking you,

KV. Lakwa  
KV. Sivasagar

Yours faithfully,

Rumita Bayan  
29-4-03

Rumita Bayan (Barkakati)  
(Music Teacher)  
K.V., ONGC, Sivasagar.

ENCLO : 1. Court order sheet, Application No. 87/03.  
2. Copy of representation.  
3. Copy of Medical Certificate (2 Nos.)

ADVANCE COPY SENT TO THE ASST. COMMISSIONER, K.V.S.(S/R), SILCHAR

Certified <sup>True Copy</sup>  
Ranjan Basu  
Advocate

# ANNEXURE - VI

Speed 100/- 15-28

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

F.NO.19-512(14)/2003-KVS(I&C)

DATED: 02-06-2003

## MEMORANDUM

Whereas Mrs Rumita Bayan Music Teacher was redeployed from KV ONGC Sibsagar to KV Churachandpur.

Whereas Smt Bayan has filed an O.A No 87/03 at Hon'ble CAT Guwahati upon which the following direction was given vide order dated 25.4.2003:-

"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 thus 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."

Whereas Mrs Rumita Bayan has submitted her representation dated 26.04.03 making the following submission.

1. That her husband is an employee of ONGC Sibsagar. She applied for transfer from Digaru where she joined initially in 1989 to KV Sibsagar since 1989 to 1995 and ultimately got transferred to newly established KV Lakwa instead of her request transfer in 1996. Again she was transferred from KV Lakwa to KV Sibsagar in November 2000. But now she has again been transferred from K.V Sibsagar to K.V Churachandpur in the state of Manipur, and relieved on 25.4.03.
2. That she has completed just two years at this station in December 2002. Her child is studying in Class IX. Her husband's transfer from sibsagar to Mehsana was deferred on request on the ground of not disturbing to academic carrier of her child.
3. That she is under medical treatment from 22.4.03 for which leave application has been submitted to the Principal, K.V Sibsagar. In this situation she is not in a position to join at KV Churachandpur.
4. That in view of the above she requests not to transfer from K.V Sibsagar at least for two years. She wish to apply for her transfer from Assam to other region where her husband will be considered for transfer.

The submissions made by the applicant in her representation dated 26.4.2003 have been considered very carefully and sympathetically by the competent authority and the applicant is informed as follows:-

(a) At the outset the respondent organization makes it clear that the applicant holds all India transfer liability in terms of Article 54(k) of the Education Code which is an authentic documentary text for governance of Kendriya Vidyalayas. As long as the applicant holds the liability he can neither resist nor avoid a transfer which may be either on the request or in the interest of the organization in terms of the policies. A transfer in almost all cases involves sum amount of inconvenience. The liability of transfer is being incident of service, the inconvenience caused in consequence of transfer needs be suffered. Moreover, the personnel inconvenience have got little importance and can not over ride the administrative exigencies in the matter of public interest particularly related to transfer and posting.

Cont'd. 2/-

*Certified to be true copy  
Ranjan Barua  
Advocate*

: 2 :

29

(b) That her transfer has been effected as per the provisions made in Office Memorandum No 1-1/2002-2003-KVS(Estt-II) dated 20<sup>th</sup> January, 2003 which inter-alia states that The teachers 'staff of the particular category who has the maximum stay in a Kendriya Vidyalaya in terms of length of service will be identified as excess to the requirement (Surplus) on the basis of the staff sanction order for that Kendriya Vidyalaya for a particular year. The teacher/staff thus identified as excess to the requirement at K.V level will be transferred out of station only if no vacancy exists in the station, in that category and also the teacher/ staff so identified happens to be the one who has the maximum stay in terms of length of service at that station. In case the teacher staff, in a particular category, identified as excess to requirement at Kendriya Vidyalaya level, on the basis of staff sanction order is not the one with maximum stay in terms of length of service in that station, and in that category in that station then the teacher/staff who has the maximum stay in terms of length of service in that station will be transferred out of that station and the teacher/staff identified at Kendriya Vidyalaya level will be adjusted against this created vacancy.

In the instant case due to reduction of post of Music teacher at K.V Nazira No 2 Ms K.K. Devi, Music Teacher has been identified as excess to requirement at K.V Nazira. She has to be redeployed as per the provisions contained in the above cited Memorandum. In Sibsagar station, there are two Kendriya Vidyalayas and Smt Rumita Bayan, Music Teacher has more length of stay at this station in comparison to Ms K.K. Devi. In order to re-deploy Ms KK Devi from KV Nazira, Smt Rumita Bayan has been transferred to K.V Churachandpur being station senior and against the vacancy created so she has been redeployed to K.V ONGC Sibsagar. Since her transfer has been made as per the policy of KVS it will not be feasible to defer it for any point of time.

(c) As far as the submission of the applicant that her transfer will disturb the study of her child, the respondents state that the children of the applicant can as well be admitted in the Kendriya Vidyalaya where she is posted even in the mid session. Admissions are open to the transferable Central Govt. employee including the KVS personnel on production of valid transfer certificate. In these circumstances it can not be held that the education of the children of the applicant are interrupted.

Having considered all facts and circumstances of the case sympathetically and carefully the undersigned is being the competent authority is of the view that transfer of the applicant is in order. The applicant is hereby directed to report for duty at the place of posting forthwith in the interest of the vidyalaya. Her representation dated 26-04-2003 is disposed of in compliance with the direction of the Hon'ble Tribunal, Guwahati Bench.

KV Nazira No 2

28/05/2003  
(H.M.CAIRAE)  
COMMISSIONER

To  
Smt Rumita Bayan,  
Music Teacher, K.V ONGC, Sibsagar,  
Under transfer to KV Churachandpur

Two posts to Music Team

in one & half year

Copy to:-

1. Assistant Commissioner KVS (R.O) Silchar.
2. Principal K.V ONGC ~~Nazira~~ Churachandpur
3. Guard File

(P.DEVASANA)  
EDUCATION OFFICER

Reason for dislodging A

Central Administrative Tribunal  
Central Administrative Tribunal  
2.30 PM

-17-

Q.P. - JUL 2003

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

Filed by  
S.C. Bhattacharya

KVS - SC  
10/7/03

O.A. NO. 137 /2003.

Rumita Bayan

- Versus -

Kendriya Vidyalaya Sangathan & Ors.

IN THE MATTER OF :

Written Statement on behalf  
of the Respondents.

- AND -

IN THE MATTER OF :

Assistant Commissioner,  
K.V. Sangathan,  
Silchar Region.

... Respondent.

The humble written statement  
of the Respondent are as follows :-

MOST RESPECTFULLY SHEWETH :-

- 1) That the respondent state that in the Original Application on he has been made party and a copy of the same has been served upon him. The respondent has gone through the contents of the petition and understood the same and he is competent to file the written

Contd...p/2.

- 2 -

statement on behalf of him and for others  
they being the official respondents.

- 2) That the Respondent state that the statement and averments made in the Original Application are totally denied. The Statements which are not born out of records are denied. The respondents further state that the statements which are not specifically admitted may be deemed to be denied.
- 3) That respondents state that before controverting the statement and averments made in the above application the respondent craves leave of this Hon'ble Tribunal to submit the following facts of the case in brief for application.
- 4) The respondent submits that the applicant's is a Music teacher who joined the service in the year 1989 and she was posted at K.V. Digaru in the District of Kamrup which is under Guwahati Region.
- 5) That the applicant while posted at K.V. Digaru in the District of Kamrup under Guwahati Region made application as her transfer on spouse ground.

During her stay at Digaru she agitated before the authority for her transfer as spouse

- 3 -

ground for joining her family for, her husband is an employee of O.N.G.C. and posted at Sivasagar.

That the said petition was made much before completion of cut-off period of one year and as such her request could not be accepted.

However, the authority continued the exercise of posting husband and wife at the same station in accordance with the guide line issued by the D.O. P. & T. dated 3.4.1986 in adherence with the Rule 13 of Transfer guide line prepared for the employees of the Kendriya Vidyalaya.

- 6) That the petitioner states that Rule 13 of the transfer guideline stipulates that the intra and inter regional transfer made simultaneously and the case of the applicant could be considered when newly established K.V. Lakua a branch of Sivasagar K.V. be opened.
- 7) That the respondent states that since her posting Lakua, she was brought to Sivasagar in the year 2000 in the same spouse ground and thereby the Sangathan has been accomodating her since her joining.
- 8) That the respondent submits that the present order of transfer was passed by the

Assistant Commissioner, Silchar Region in compliance with KVS Head Quarter Office remorandum No. F. I-1/2002-03/KVS(ESTT-II) dated 20.01.03 and the staff sanction order ~~xx~~ issued under No. F 10-22/94-KVS(O&I) dated 13.2.03.

That the transfer order is issued for accomodating the excess staff in various Kendriya Vidyalaya, Silchar region and redeployed against the existing vacancies of other Kendriya Vidyalaya in the region.

Copy of the O.M. dated 20.01.2003 and copy of the staff sanction order dated 13.2.2003 are annexed herewith and marked as ANNEXURE - I and II.

- 9) That the petitioner submits that the present order of transfer was passed only on administrative ground in public interest for accomodating the surplus lady teacher within the region.
- 10) That the petitioner submits that the present order is made purely on administrative ground to accomodate the teacher within the region on public interest and accordingly the principal K.V. Sivasagar was directed to relieve her immediately.

11) That the respondent submits that from the order itself it is very much clear that the order is purely on administrative ground which is not in the nature of annual transfer nor transfer to any choice station and as per the office memorandum of re-deployment dated 20.01.2003 which stipulates that such excess teacher to the requirement at Kendriya Vidyalaya level will be transferred out of station only if no vacancy existed in that station, in that category there is no violation of any rule.

12) That the respondents state that the present O.A. is placed in a twisted manner to draw the sympathy on flimsy ground whereas, the authority been always sympathetic to its employees and allowed the applicant to stay with the family although the husband is not an employee of the same department, which is a respective point as envisaged under paragraph 4 of the office memorandum dated 12th June 1997.

13) That the respondent states that it is evident from the Original Application filed by the applicant that the applicant earlier filed one application vide No. O.A. 87/2003 before this Hon'ble Tribunal and the Hon'ble Tribunal was pleased to disposed the same with

- 6 -

a direction to the respondent to dispose the representation sympathetically filed on 22.4.2003.

However, the applicant filed another representation on 26.4.2003 and the authority after due consideration passed the reason order dated 28.5.2003 which was communicated under memo No. F. No. 19-512(14)/2003-KVS(I&C).

14) That the respondent submits that the order dated 2.6.2002 is a lawful and valid order and as such no scope is left for any judicial review at this stage by this Hon'ble Tribunal.

15) That the respondent submits that the above facts has been submitted for appreciation and the respondent crave leave of this Hon'ble Tribunal to submit further written statement.

16) That the respondent submits that under the facts the Hon'ble Tribunal be pleased to vacate the stay order suspending the transfer on score that the representation being already disposed and dismiss the Original Application.

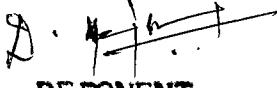
.... Verification.

VERIFICATION

I, Shri D. MANIVANNAN, Son of Sri M. DORAISAMY, aged about 37 years presently working as the Officiating Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region, Maligaon Chariali, Guwahati-12, do hereby verify that the statement made in paragraphs are true to my knowledge and those made in paragraphs are based on records.

And I sign this verification on this the 3<sup>rd</sup> day of July, 2003 at Guwahati.

Place : Guwahati

D.   
DEPONENT  
(D. MANIVANNAN)

Date : 3/7/03

Kendriya Vidyalaya Sangathan  
18 Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi - 10016

No.1-1/2002-2003-KVS(Estt.II)

Dated: 20<sup>th</sup> January, 2003

OFFICE MEMORANDUM

Circular No. (i) F.1-1/96-KVS(Estt.III) dated 24<sup>th</sup> July 1996 and (ii) F. No.1-3/99-KVS (Estt.III) dated 30.3.2000 regarding identification and re-deployment of teachers and staff who have been found in excess to the requirement (surplus) at the School level stands superseded. The following procedure shall be followed for the identification and re-deployment of such teacher/staff.

(i) The teacher/staff of the particular category who has the maximum stay in a Kendriya Vidyalaya in terms of length of service will be identified as excess to the requirement (surplus) on the basis of the staff sanction order for that Kendriya Vidyalaya for a particular year. The teacher/staff thus identified as excess to the requirement at Kendriya Vidyalaya level will be transferred out of station only if no vacancy exists in that station, in that category and also the teacher/staff so identified happens to be the one who has the maximum stay in terms of the length of service at that station. In case the teacher /staff, in a particular category, identified as excess to the requirement at Kendriya Vidyalaya level, on the basis of staff sanction order is not the one with maximum stay in terms of the length of service at that station, and there is no vacancy in that category at that station, then the teacher/staff who has the maximum stay in terms of length of service in that station will be transferred out of that station and the teacher/staff identified at Kendriya Vidyalaya level will be adjusted against this created vacancy.

(ii) Teacher/Staff member who has got less than three years of service for retirement or superannuation is exempted from getting identified as excess to the requirement (surplus) except in the event of non-availability of teacher/staff in that particular category in that Kendriya Vidyalaya/Station. In such a situation the teacher/staff member who has the next longest stay in terms of service in that Kendriya Vidyalaya/Stn. will be identified as excess to the requirement (surplus) and re-deployed as per the guidelines mentioned in the above para, in place of the teacher/staff member who is to retire within three years, on superannuation. The period of three years shall be calculated with reference to 31<sup>st</sup> March of the particular year.

These amendments shall come into force with immediate effect.

Sd/  
(D.S. Bist)  
Joint Commissioner (Admn.)

Distribution:

1. All Officers in KVS HQ
2. All Assistant Commissioners, Regional Offices with the instruction that the copy of this be circulated to all the Vidyalayas under their jurisdiction.
3. All Sections in the KVS HQ
4. President/General Secretary of recognized Associations.
5. Guard File.

Attached to  
J. D. B.  
Admn.  
15/1/03.

9-

18, INSTITUTIONAL AREA  
NEW SHAHEED JEET SINGH MARG  
NEW DELHI-110016

25-  
A

DATED:

13 FEB 2003

NO.F.10-22/94-KVS(O &amp; M)

STAFF SANCTION ORDER

Sanction of the commissioner is here by accorded to the opening of classes /sections and creation of posts of various categories of teaching and non-teaching staff during 2003-2004 for Kendriya Vidyalaya as shown below.

KV: ONGC, NAZIRA

Class /Section

Class	No.of Sections during 2002-2003	No.of Sections during 2003-2004	Addition(+)	Reduction(-)
I	03	03		
II	03	03		
III	03	03		
IV	03	03		
V	03	03		
VI	02	02		
VII	02	02		
VIII	02	02		
IX	02	02		
X	02	02		
XI	SCIENCE HUMANITIES COMMERCE	01 01	01	
XII	SCIENCE HUMANITIES COMMERCE	01 01	01	

## I. STAFF

NAME OF THE POST	No.of Post during 2002-2003	No.of Post during 2003-2004	Addition(+)	Reduction(-)
1. Principal Grade -I	01	01		
2. Vice Principal /Principal Grade-II				
3. Headmaster	01	01		
4. (A) PGT HUMANITIES				
(i) Hindi	01	01		
(ii) English	01	01		
(iii) Sanskrit				
(iv) History	01	01		
(v) Economics	01	01		
(vi) Geography	01	01		
(B) PGT SCIENCE				
(i) Physics	01	01		
(ii) Chemistry	01	01		
(iii) Maths	01	01		
(iv) Biology	01	01		

Affected to  
true  
S. Dov  
S. Advocate  
10/21/03

NAME OF THE POST	No.of Post during 2002-2003	No.of Post during 2003-2004	Addition(+)	Redu
<b>(C) PGT COMMERCE</b>				
(i) Commerce	-	-	-	-
<b>5 (A) TGT (HUMANITIES)</b>				
(i) Hindi	02	01	-	-1
(ii) English	02	02	-	-
(iii) Sanskrit	01	01	-	-
(iv) Social studies	01	01	-	-
<b>(B) TGT( SCIENCE)</b>				
(i) Maths	02	02	-	-
(ii) Biology	01	01	-	-
(C) Primary Teacher	18	17	-	-1
<b>OTHER CATEGORIES OF STAFF</b>				
<b>I.TEACHING</b>				
(i) Music teacher	02	01	-	-1
(ii) PETS	01	01	-	-
(iii) Drawing TR.	-	-	-	-
(iv) WET/Home.Sci i/ii	01	01	-	-
(iv) Yoga teacher	-	-	-	-
<b>II.NON - TEACHING</b>				
(i) Librarian	01	01	-	-
(ii) Superintendent	-	-	-	-
(ii) Asstt.Supt.	-	-	-	-
(iii) UDC	01	01	-	-
(iv) LDC	01	01	-	-
(v) Lab.Asstt.	-	-	-	-
(vi) Lab.Attendant	03	03	-	-
(vii) Group'D'staff	07	06	-	-1
<b>III.HOSTEL STAFF</b>				
(i) LDC	-	-	-	-
(ii) Group 'D'staff	-	-	-	-
(iii) Any other	-	-	-	-

N.B:-The length of staff sanctioned is based on the number of sections indicated above .If fewer sections are actually opened ,the staff strength will also have to reduced accordingly. Intimation of this effect should invariably be sent to the office without any delay

Education Officer

Copy to:

- (i) The Asstt.Commissioner KVS , Silchar Region.
- (ii) The Principal ,Kendriya Vidyalaya ,ONGC, NAZIRĀ
- (iii) Guard File
- (iv) E II/III

\* Any representation about the modification of the staff strength now fixed should be sent through the Asstt.Comm ,otherwise no action will be taken .

BEFORE

THE

CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATTI BENCH AT GUWAHATI

O.A. NO. 137/2003

In the matter of :

Ms. Rumita Bayant,

wife of B. Borkakati, resident of  
ONGC Colony, Sivasagar,

Applicant.

-Vs-

Kendriya Vidyalaya Sangathan,  
and others.

Respondents.

-And-

In the matter of :

A rejoinder by the applicant of the  
written statement filed on behalf  
of the respondents.

The humble rejoinder of the  
applicant above named:

MOST RESPECTFULLY SHEWETH:

1. That with regard to the statement made in paragraphs 4  
and 5 of the written statement the applicant begs to submit  
that she has joined in the service and since after his  
joining she never agitated before the authority for her

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3a

-Applicant

through

Bishwanath Ghorai  
Advocate  
31-7-03

transfer. In fact, the order of transfer was passed in the year 1996 i.e. after a gap of seven years after giving service at Digaru Kendriya Vidyalaya. Although her husband was posted at Sivasagar she was transferred and posted at Lakua in the year 1996 and since 1996 she has been working at Lakua Kendriya Vidyalaya sangathan till November, 2000 and in November, 2000 she has been posted at Sivasagar i.e. the working place of her husband from which it appears that she has been given place of posting where her husband was working after a gap of 11 years and after assuming two years of service only she has been transferred to Surachandpur only to accommodate the respondent No.4. From the order dated 2.6.03 passed by the respondent No.1 it clearly shows that the respondent No.4, Music teacher was working at Nazira Kendriya Vidyalaya has been identified as excess to the requirement at Nazira Kendriya Vidyalaya and as she being excess the respondent most illegally transferred the applicant to Surachandpur Kendriya Vidyalaya sangathan in the State of Manipur only to accommodate the respondent No.4. It is worth mentioning to mention herein that the applicant reliably came to know that the respondent No.4 on 24.6.2003 submitted a representation before the Respondent No.1 through Respondent No.3 with a prayer for transferring her to newly open Kendriya Vidyalaya, Barpeta from Sivasagar and the same is under consideration.

2. That with regard to the statement made in paragraphs 6 and 7 of the written statement the applicant begs to submit that the Kendriya Vidyalaya Sangathan has been accommodating her since her joining is not correct inasmuch as the applicant has been posted in the month of November, 2000 only at Sivasagar on the spouse drawn that to after a gap of

11 years since her joining and as such the question of accommodating the applicant by the respondent does not arise at all in fact the impugned orders clearly shows arbitrary action and malafideness of the respondents.

3. That with regard to the statement made in paragraphs 8 and 9 of the written statement the applicant humbly submits that it is the respondent no.4 who was found excess in the Nazira Kendriya Vidyalaya and not the applicant but the respondent most illegally and arbitrarily instead of transferring the respondent No.4 to Surachandpur the applicant was transferred to Surachandpur which clearly reveals that the Sangathan has passed the order transferring the applicant from Sivasagar to Surachandpur not in accordance with law and guidelines.

4. That with regard to the statement made in paragraphs 10,11, and 12 of the written statement the applicant begs to submit that although the policy of transfer is for the interest of the Sangathan as well as the public and the same cannot be malafide but in the instant case, it shows the arbitrariness and malafide action of the respondent in transferring the applicant from Sivasagar to Surachandpur. The applicant also denied the present application is placed in twisted manner to draw sympathy. After a gap of 11 years since her joining she has been giving a place of posting which is also her husband's working place and that to for a period of two years and it cannot be said that the authority is always sympathetic to the employees rather it reveals that the arbitrary and malafide action of the respondent in transferring the applicant.

5. That with regard to the statement made in paragraphs 13,14,15 and 16 of the written statement the applicant begs to submit that the order dated 2.6.03 passed by the respondent is not in accordance with law and bare perusal of the order dated 2.6.03 clearly shows that the respondent No.4 has been identified as excess to the requirement at Kendriya Vidyalaya ,Nazira and as she has been found excess the applicant has been transferred from Sivasagar to Surachandpur so that the respondent No.4 can be accommodated at Sivasagar. There is no reason why respondent No.4 could not have been transferred to Surachanpur without disturbing the applicant. There are many music Teachers in the Sangathan working more than 3 years and above but only the applicant was transferred violating all the terms and conditions of the guidelines as she has worked in Sivasagar Kendriya Vidyalaya only for a period of two years and as such the interference of this Hon'ble Tribunal is very much necessary against the malafide action of the respondents in transferring the applicant from Sivasagar to Surachanpur.

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### Verification

I, Smt. Rumita Bayan, wife of Sri B. Barkakaoti, aged about 40 years, resident of ONGC Colony, Sibsagar, do hereby verify that the statements made in paragraphs 1 to 5 are true to my knowledge and belief and I have suppressed no material fact.

And I sign this verification on the 31<sup>st</sup> th day of July, 2003 at Sibsagar.

MRS. RUMITA BAYAN