

50/100

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

3

O.A/T.A No. 24/2004.....

R.A/C.P No......

E.P/M.A No......

1. Orders Sheet..... OA .....Pg. 1 .....to 2 ..... 22-7-04  
CP 13/04 order .....Pg. 1 .....to 2 ..... 22-7-04
2. Judgment/Order dtd. 6-4-2004.....Pg. 1 .....to 5 ..... allowed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 24/2004 .....Pg. 1 .....to 60 ..... 60
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P. 13/2004.....Pg. 1 .....to 17.....
7. W.S.....Pg. 1 .....to 8.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Bahin  
08.11.17

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

ORDER SHEET

Org.App/ Misc.Petr/Cont.Petr/ Rev.Appl. 24/2004

In O.A.

Name of the Applicant(S) R.R. Dwivedi

Name of the Respondent(S) Not 2 ors

Advocate for the Applicant Mr A.S. Choudhury, J. Hussain

Counsel for the Railway/ C.G.S.C. KVS.

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

His application is in  
form filed in time

Cont.Petr at 10.00

Filed at 10.00

for 10.00 deposited

vide 10.00 No. 336378109

Dated 4/2/04

*[Signature]*  
Mr. Registrar

19.2.04

Heard Mr I.Hussain, learned  
counsel for the applicant.  
Issue notice to the respondents  
to show cause as to why this applicati-  
on shall not be admitted. Returnable  
by 3 weeks.

List on 3.3.2004 for filing  
reply to show cause and admission.

Steps taken. 13/2/04

pg

*[Signature]*  
Member

3.3.2004

Heard Mr.I.Hussain, learned counsel  
for the applicant and Mr.M.K.Mazumdar,  
learned counsel for the KVS.

Let the respondents file reply  
within two weeks. Fix it on 17.3.2004.

No. reply has been  
filed.

16.3.04

*[Signature]*  
Member (A)

②  
O.A. 24/2004

17.3.2004

List the case on 22.3.2004 for order.

*K. S. Datta*  
Member (A)

bb

22.3.2004

Heard Mr. I. Hussain, learned counsel for the applicant and also Mr. M.K. Mazumdar, learned counsel for the respondents.

Judgment is reserved.

*K. S. Datta*  
Member (A)

mb

6.4.2004

Judgment delivered in open Court, kept in separate sheets. The application is allowed. No order as to costs.

*K. S. Datta*  
Member (A)

mb

22.4.04

Copy of the judgment has been sent to the office for issuing the same to the applicant as well as to the L/Adv. for the respondents.  
HS

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./R.A.No. 1111 24/2004

DATE OF DECISION 6.4.2004

..... Sri R.R. Dwivedi .....APPLICANT(S).

..... Mr. I. Hussain .....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. K.V. PRAHLADAN, 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)

1007

Original Application No. 24 of 2004.

Date of Order : This the ~~xxxx~~ 6th day of April, 2004.

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

Sri Raja Ram Dwivedi,  
Son of Late G.P. Dwivedi,  
Resident of Vill. - Mawaiya,  
P.O. - Harijindurnagar,  
Dist. - Kanpur, Nagar,  
Pin. - 206 007.  
Uttar Pradesh.

. . . Applicant.

By Advocates Mr. A.S. Choudhury and  
Mr. I. Hussain.

- VERSUS -

1. The Union of India, through  
The Secretary, Ministry of Human Resource Deptt.,  
(Deptt. of Education),  
Sastri Bhaban, New Delhi - 1.

2. The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18 Sahid Jeet Singh Marg,  
New Delhi - 110 016.

3. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Guwahati Region, Maligaon Chariali,  
Guwahati.

. . . . Respondents.

By Advocate Mr. M.K. Mazumdar.

O R D E R

K.V.PRAHALDAN, MEMBER (A) :

The applicant is a teacher in Kendriya Vidyalaya Sangathan since 1988. From 1988 to 2000, he was transferred in public interest from Kanpur to Kokrajhar, where he joined on 16.10.2000 and where he still continues. The present Original Application is the second round of litigation. In the first O.A. 170/2003 dated 21.11.2003, the applicant was aggrieved on account of the Respondents not transferring him to his home town Kanpur since he had less than a year to retire on 21.5.2004. The O.A. 170/2003 directed that -

" The respondents shall pass a reasoned and speaking order on the aforesaid representation given by the applicant dated 8.7.2003, taking into account also

the grounds taken by the applicant in the O.A. They shall pass a reasoned and speaking order in accordance with law, relevant Rules and instructions within two weeks from the date of receipt of a copy of this order, with intimation to the applicant."

The Respondents vide reply dated 5.1.2004, vide Annexure-12, rejected the request for transfer. As per this reply of 5.1.2004, the Respondents said that the Applicant had in his application of 8.7.2003 "raised the following issue":

- "1. that he had applied for request transfer on superannuation for the year 8.7.2003-04 for final settlement of self and his family.
2. that though the transfer policy was extended to consider the cases of transfer who has less than three year to retire, his name was not included for transfer, when he had only ten months to retire.
3. that he is facing acute health problem, as he is suffering from Lumber spondylitis due to which he is unable to work smoothly.
4. that he has to arrange marriages of his three grown up daughters and construction of dwelling place he didn't possessed so far."

2. The Applicant then went on to say that having considered his application of 8.7.2003 carefully the competent authority. The Respondent's decision was :

- "1. that as per the amended provision of Clause 7 of KVS transfer guidelines the transfers sought on account of death of spouse within a period of 2 years of death, medical grounds as per Para 9 and employees who have less than 3 years of retire will be placed on bloc higher in the above sequence than the others listed in para 8 of these guidelines. However, the said benefit LTR (Less than three years to retire) will be granted to all their choice stations, except the station from where they have been displaced during the last one year (i.e. 1.4.2002) subject to want of clear vacancy as well as availability of eligible persons for displacement in terms of Para 10(1) of the KVS transfer guidelines.
2. that all the requests of annual transfer under LTR category were considered by the respondent organisation in term of prevailing facts and circumstances of the case as well as the KVS transfer guidelines in force. The dominant consideration in effecting

effecting transfers will be administrative exigencies/grounds and organizational reasons including the need to maintain continuity uninterrupted academic schedule and quality of teaching and to that extent no individual interest/request shall be subservient. Transfers cannot be claimed as matter of right by those making requests nor do these transfer guidelines intend to confer any such right.

3. that in the instant case of applicant Being due to retire on 31.5.2004, he submitted his application for transfer under LTR category with choice station Kanpur only which was also considered alongwith all other applicants but his request could not be materialized for want of clear vacancy of WET as well as due to non availability of eligible person for displacement in terms of Para 10(1) of the KVS transfer guidelines at the time of considering request transfer under LTR category. Moreover, he was transferred from Kanpur to Kokrajhar in Oct.2000 on administrative ground as such he was not eligible to be transferred on request to Kanpur as per KVS transfer guidelines.
4. that as per Article 54(k) of Education code, which a documentary text, for governance of Kendriya Vidyalaya, the services of KVS employees are liable to be transferred to any Kendriya Vidyalaya of the Sangathan at any time on short notice on organizational reasons, administrative exigencies. Also as held by the Apex Court that the individual's personal inconveniences have got little importance over administrative exigencies and public interest particularly in the matter of transfer/posting. The personal problems expressed by the applicant should not come in the way of service conditions and public interest.

Having considered all the facts and circumstances of the case sympathetically and carefully the undersigned rejects the request of the applicant to consider his transfer at his home town. Thus the representation dated 8.7.2003 is disposed of in compliance of the Hon'ble CAT, Guwahati directions dated 21.11.2003 given in O.A. 170/2003."

Therefore, the present C.A. has been filed. The applicant claims that the respondent rejected his claim for transfer to Kanpur in violation of their own guidelines. These guidelines gave weightage of 20 points <sup>for</sup> those who had less than 2 years to retire on 31.3.2005 and 20 points for serving in North Eastern States.

3. The respondents claim that the applicant cannot seek transfer to the same station from where he was transferred on administrative grounds as per amended Clause 18(d)(ii) of KVS transfer guidelines. The respondents also stated that teachers transferred on administrative grounds will not be eligible to request for transfer before completing five years stay at the transferred station.


4. Heard Mr. I. Hussain, learned counsel for the applicant and also Mr. M.K. Mazumdar, learned counsel for the respondents. It is for the administration to decide who should be transferred and to which place. However, there are orders, instructions and guidelines which acquire almost the force of law due to their continuous implementation over a period of time. The KVS circular No.F.1-1/2003-04/OLT/KVS(Estt.III)Vol.II dated 19.9.2002 at Sl. No. 2 clarifies that "employees who have been transferred in public interest except on administrative grounds can also be considered for request transfer - without any tenure." The respondents have also in <sup>their written</sup> statement at Para 3-D said that the benefits of transfer to those with less than three years to retire will be granted all their choice stations, except the stations from which they were displaced. <sup>KVP</sup> Since The applicant, as per the KVS circular of 19.9.2002, is not bound by the rules relating to tenure since he was transferred in public interest. Para 5 of the respondent's letter dated 5.1.2004 at Annexure - 12, said that ~~xxx~~ since the applicant "was transferred from Kanpur to Kokrajhar in Oct.2000 on administrative grounds he was not eligible to be transferred on request to Kanpur as per KVS guidelines." This by implications means that the applicant becomes eligible for transfer back to Kanpur since he was transferred not on administrative grounds but in public interest as can be seen in the transfer order dated 9.10.2000 at Annexure -1.



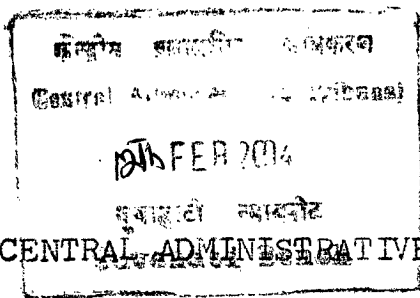
The applicant also gets the benefits of being posted in excess of three years in the N.E. States for the purpose of transfer request.

5. Taking all these facts into consideration the respondents are hereby directed to consider transferring the applicant to any of the places of his choice: Kanpur, Unnao, Lucknow, Fatehgarh and Etawah. The exercise is to be completed and the applicant informed within fifteen days from the date of receipt of this order.

The application is allowed. No order as to costs.

  
( K.V. PRAHLADAN )  
ADMINISTRATIVE MEMBER

bb



ORIGINAL APPLICATION NO. 24 /2004.

Sri Raja Ram Divedi,

-Vs -

Union of India & Ors.

LIST OF DATES.

Sl.No.	Statement particulars.	Para No. Page No.	Annex.No Page No
1.	Residential status of applicant	$\frac{4.1}{3}$	-
2.	Earlier Service career under Indian Airforce	$\frac{4.2}{3}$	-
3.	Submission of application for post in Kendriya Vidyalaya (KV) Selection and posting at Kanpur.	$\frac{4.3.}{3}$	-
4.	Transfer of applicant from K.V.Kanpur Cantt. to K.V. Kokrajhar vide order dt. 19.10.2000 & joining on 14.11.2000	$\frac{4.4.}{3 \& 4}$	$\frac{1}{19}$
5.	Submission of representation dt. 12.10.2001 to respondent No.2 for transfer on compa- ssionate ground because of old age ailment, family problem etc which was duly forwarded.	$\frac{4.5}{4}$	$\frac{2 \& 3}{20 \text{ to } 22}$
6.	Govt. of India guidelines for posting/transfer of Central Govt. employees in N.E.Region	$\frac{4.6}{4 \& 5}$	$\frac{5}{23}$
7.	Policy/guidelines of the respondents regarding transfer/ posting vide Appendix 24 of Accounts Code	$\frac{4.6}{4 \& 5}$	$\frac{5}{24 \text{ to } 25}$
8.	Letter dt. 14.8.2002 of respondent No.2 with details of		

transfer policy of K.V.  
employees for the year  
2003-2004 giving first  
preference to employees  
having less than 2 years  
for retirement.

$\frac{4.7}{6}$

$\frac{6}{26 \text{ to } 44}$

9. Applicant submitted another  
representation dt. 8.1.03 in  
format duly verified by  
Principal stating his choice  
for place of posting in  
Kanpur area

$\frac{4.8}{7}$

$\frac{7}{45}$

10. Forwarding of application by  
respondent No.3 to respondent  
No.2

$\frac{4.9}{7}$

-

11. Issuance of transfer to many  
K.V. employees as per choice  
but non-consideration of the  
case of the applicant who is  
to retire on 31.5.2004

$\frac{4.10}{7}$

12. Being aggrieved the applicant  
filed another representation  
dt.8.7.2003 to respondent No.2  
stating about his earlier  
application and for his transfer  
as per policy of KVS as he is  
to retire on 31.5.04. He also  
stated about his health problem  
daughter's marriage, construc-  
tion of his house etc. which  
was forwarded by the Principal

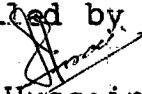
$\frac{4.11.}{8}$

$\frac{8 \& 9}{46 \text{ to } 47}$

13. Applicant's wife also submitted  
representation to respondents  
with a request for transfer of  
the applicant on ground of  
ailment of herself and the  
applicant & marriage of their  
daughter etc. which were also  
not considered.

$\frac{4.12.}{8}$

- 12
14. Filing of O.A. No.170/03  
by the applicant with a  
prayer for a direction for  
transfer and opposing the  
same by respondents by way of  
awritten statement based on  
some wrong facts. 4.13 10  
48 to 55
15. Order dt. 21.11.03 passed by  
this Hon'ble Tribunal in  
O.A.No.170/03 directing the  
respondent to consider the  
case of the applicant 4.14 11  
56 to 58
16. Impugned Memorandum dt.5.1.04  
passed by respondent No.2  
rejecting the prayer of the  
applicant. 4.15 12  
59 to 60
17. Grounds for relief 5(i) to XII  
11 to 15
18. Relief sought for 8(i) to 8(iii)  
16
19. Interim relief sought for 8&9  
17
20. Verification 18

Filed by  
  
I. Hussain  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GAUHATI BRANCH  
GUWAHATI.

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

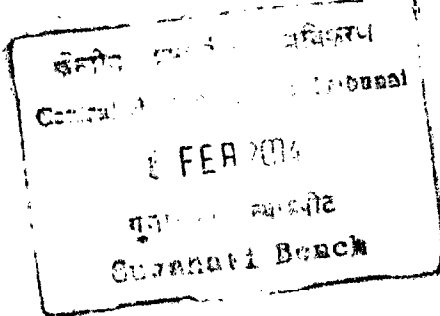
ORIGINAL APPLICATION NO. 24 /2004.

Sri Raja Ram Dwivedi ... Applicant  
-Vs -  
The Union of India & Ors. ... Respondents

I N D E X

Sl.No.	Particulars	Page No.
1.	Application with verification	1 to 18
1.	<u>Annexure No.1.</u> Transfer order dt. 9.10.2000	19
2.	<u>Annexure No.2 &amp; 3</u> Copy of representation dt.12.10.02 and forwarding letter dt. 15.10.02 of Principal	20 to 22
3.	<u>Annexure No.4.</u> Copy of relevant portion of guidelines for Tenure posting of Central Govt. employees.	23
4.	<u>Annexure No.5.</u> Copy of relevant portion of Accounts Code for the Kendriya Vidyalayas	24 to 25
5.	<u>Annexure No.6.</u> Copy of letter dt. 14.8.02 of respondent No.2 circulated to Principals of K.V. regarding transfer	26 to 44
6.	<u>Annexure No.7.</u> Copy of application dt. 8.1.03 of applicant	45
7.	<u>Annexure No.8.</u> Copy of representation dt. 8.7.03 sent to respondent No.3	46
8.	<u>Annexure No.9.</u> Copy of <del>representation</del> dt. 8.7.03 forwarding letter dt. 10.7.03 of the Principal K.V. Kokrajhar.	47
9.	<u>Annexure No.10</u> Copy of W.S. filed by respondent No.3 in O.A No.170/03	48 to 55
10.	<del>ANNEXURE No</del> Copy of order dt..21.11.03 in O.A.170/03	56 to 58
11.	Impugned Memorandum dt. 5.1.04 of respondent No.2 rejecting prayer of applicant for transfer	59 to 60
12.	Notice.	

Filed by  
(I.Hussain)  
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.  
GUWAHATI BRANCH :: GUWAHATI

*Filed by the Applicant  
Sri Raja Ram Dwivedi  
through  
Jyoti Hysanin  
Advocate  
37.02.04*

( An application under Section 19 of the  
Central Administrative Tribunal Act, 1985)

ORIGINAL APPLICATION NO. 24 /2004

Sri Raja Ram Dwivedi

... Applicant.

-Versus -

The Union of India and others.

... Respondents.

DETAILS OF THE APPLICANT:

1. Name of the Applicant: Sri Raja Ram Dwivedi,  
S/o late G.P. Dwivedi,  
R/o vill. Mawaiya,  
P.O. Harjindurnagar,  
Dist. Kanpur, Nagar,  
Pin- 206 007  
Uttar Pradesh.
2. Designation: Work Experience Teacher  
Kendriya Vidyalaya,  
Kokrajhar, Assam.

PARTICULARS OF THE  
RESPONDENTS:

Name and designation of 1. The Union of India through -  
the Respondents:  
The Secretary, Ministry of  
Human Resources Deptt,  
(Deptt. of Education),  
Sastri Bhaban, New Delhi-1.

2. The Commissioner,  
Kendriya Vidyalaya, Sangathan,  
18 Sahid Jeet Singh Marg,  
New Delhi-110 016
3. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan  
Guwahati Region, Maligaon, Chariali,  
Guwahati.

... Respondents.

1. PARTICULARS OF ORDERS AGAINST WHICH  
APPLICATION IS MADE:

1. The application is made against the impugned Memorandum dated 5.1.04 issued by the respondent No.2 the Commissioner, Kendriya Vidyalaya Sangathan rejecting the representation dated 8.7.2003 filed by the applicant for his transfer to nearer place of his home in and around Kanpur(U.P.) as per Govt./KVS policy which was passed as per directive of this Hon'ble Tribunal's order dated 21.11.2003 in O.A No.170/2003.

2. JURISDICTION OF THE TRIBUNAL.

The applicant declares that the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:

The applicant declares that the application is filed before this Hon'ble Tribunal within time limit prescribed under Sec.21 of Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

4.1 That the applicant is a citizen of India and is a permanent resident of village Mawaiya, P.O. Harjindranagar, P.S. Chakari, Dist. Kanpur Nagar, Uttar Pradesh and is presently serving as Work Experience Teacher in Kendriya Vidyalaya, Kokrajhar, Assam. He is presently aged 59 years 8 months and is going to retire on superannuation on 31.5.2004.

4.2. That the applicant was appointed as Airman in Indian Air Force on 27.4.64 and was posted at Bangalore. Thereafter, he served in some other places and promoted to Sergeant and ultimately as a Non-commissioned Officer. He retired from Air Force Service in the year 1982 after 18 years of service. Thereafter, he was appointed as Civil Radar Mechanic for about 6 years at Kanpur.

4.3. That the applicant states that while serving at Kanpur, he applied through proper channel for a post of Teacher in Kendriya Vidyalaya and thereafter after interview etc., was appointed and posted at Kendriya Vidyalaya, Manpur Cantt. on 8.8.88 as Work Experience Teacher.

4.4. That the applicant states that thereafter, he was transferred in public interest to Kendriya Vidyalaya, Kokrajhar on 16.10.2000 and joined on 14.11.2000 wherein he is serving till date. Be it stated that at the time of filing the previous application No.170/03, the applicant did not annexe the copy of transfer order as the same was an admitted



fact. However, the controversy arose as regards the reason of transfer on the date of hearing only and the transfer order could not be produced before the Hon'ble Tribunal on that day and an order was passed without the same.

The copy of transfer order dt. 9.10.2000 transferring the applicant to Kokrajhar is annexed as Annexure No.1.

4.5. That the applicant is staying alone at Kokrajhar leaving his family consisting of wife and un-married daughters and a minor son at Kanpur as it is not feasible for him to bring the family to Kokrajhar due to domestic problems. He is presently more than 59 years of age and is suffering from old age ailments including Spondalities since 1999. His wife is also suffering from severe Hypertension and spondalities etc. The applicant was also to start construction of his house at Kanpur for which he has already withdrawn money from his General Provident Fund Account. Because of the aforesaid reasons, he submitted a representation dated 12.10.2001 to the respondent No.2 through proper channel for his transfer on compassionate ground. The representation was duly forwarded by the Principal, Kendriya Vidyalaya, Kokrajhar.

The copy of representation dt. 12.10.2001 and forwarding letter dt. 15.10.2001 of the Principal are annexed as Annexure No.2 &3.

4.6. That the applicant states that the Govt. of India way back in 1983 modified transfer policy as

- 5 -

well incentives for Central Govt. employees posted on transfer in North Eastern Region from other regions. The said policy which was amended from time to time. Apart from other incentive, the guidelines have been framed for Tenure of posting/deputation which is as follows :-

"There will be a fixed tenure of posting for 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training etc.. in excess of 15 days per year will be excluded in counting the tenure period 2/3 years. Officers, on completion of the fixed tenure of service mentioned above may be considered for posting to a station of their choice as far as possible ".

In the light of the aforesaid guidelines, the respondent authorities also have adopted the same in their Accounts Code. As per para 1 of Appendix 24, the tenure of posting of Kendriya Vidyalaya Sangathan employees is as follows :-

"Period of leave, training etc., in excess of 15 days per year will be excluded in counting the tenure period. However, the period may be extended in exceptional cases in exigencies of public service or when the employee concerned is prepared to stay longer. Deputation allowance will be admissible during the extended period also".

The copy of relevant portion of guidelines for Tenure posting of Central Govt. employees is annexed as Annexure No.4.

The copy of relevant portion of Accounts code for the Kendriya Vidyalaya is annexed as Annexure No.5.

4.7. That the applicant states that the respondent No.2 issued another letter dt. 14.8.2002 regarding Annual request of transfer in respect of teaching and non-teaching staff of Kendriya Vidyalaya for the year 2003-04. In the said letter details guidelines for submitting and processing application for transfer has been given. In the sl.No.6 Grounds for seeking transfer has been assigned category codes and Division codes (numerical) having entitlement points as follows :-

Grounds	Category code	Division Code	Entitlement Points.
c) Others.			
i) Less than 2 years to retire	LTR	03 Less than two years to retire i.e., on or before 31.3.2005	20

As per the aforesaid category ground 6(c)(i), the persons having less than 2 years to retire on 31.3.2005 is entitled for 20 points and as Ground Sl.6(c)(ii) persons who have completed 3 years of service in North Eastern region as on 31.3.03 is also entitled for 20 points. In the instant case, the applicant is covered <sup>both</sup> by the ~~first~~ category <sup>as</sup> he is going to retire on 31.5.2004 i.e., prior to 31.3.2005. He <sup>has</sup> ~~will~~ also completed 3 years of posting in N.E.Region on 14.11.2003

~~(The applicant can also earn another 10 points for his ailments as per Sl.No.6(c)(v) of the grounds.~~ The applicant can also earn another 10 points for his ailments as per Sl.No.6(c)(v) of the grounds.

The copy of aforementioned letter dt. 14.8.2002 of the respondent No.2 circulated to the Principals of the K.V.regarding transfer is annexed as Annexure No.6.

4.8 That as per the aforementioned letter/guidelines the applicant submitted another application dt.8.1.2003 in proper format for transfer on request for 2003-04. The application was duly verified by the Principal of Kendriya Vidyalaya, Kokrajhar and was sent to respondent No.3 for forwarding the same to respondent No.2. In his application, the applicant has given the choice of his posting in any Kendriya Vidyalaya in order of preference as follows :-

1. Kanpur area, (2) Unnao area ,3. Lucknow area
4. K.V.S.Dibyapur, 5. K.V.S. Fatehgar ( all are in Uttar Pradesh).

The copy of the application dt. 8.1.2003 is annexed as Annexure No.7.

4.9 That the applicant states that as per his information , his application alongwith others were forwardedby the respondent No.3 to the respondent No.2.

4.10 That the applicant states that sometime in May 2003 the respondent aut orities iss ed transfer orders of many teahersin Kendriya Vidyalaya of North Eastern to other regions of their choice/request. But the applicant was surprised to findthat no order was

been issued for his transfer. But some other teachers have been transferred out of N.E. region whose applications were sent to the respondent No.2 alongwith the application of the applicant although his retirement is due on 31.5.2004. For instance, one Sri S.L. Singh, trained graduate teacher(Social studies) has been transferred from Kendriya Vidyalaya ,Nagangi (Guwahati) to Kendriya Vidyalaya Allahabad vide letter ref.No.F.1-2/2003-04(LTR)/KVS(ESST-III) dt. 22.5.2003. Similarly, another one Sri D. Behara, trained graduate teacher(Maths) has also been given transfer of his choice. There are other persons also who have been given transfer recently as per the latest guidelines. But the applicant could not procure the detail information in this regard as he always remains at Kokrajhar and was unable to contact the Regional Office.

4.11. That the applicant being aggrieved, submitted another representation dt. 8.7.2003 to the respondent No.2 stating about his earlier applications for transfer as per policy decision of the Sangathan as he is to retire on 31.5.04. He also cited about his health problem and marriage of his daughter when the applicant wants ~~to~~ his daughter be married off before his retirement. He also stated that he is also to construct his dwelling house where he can settle after retirement. In this application he also annexed the copy of earlier applications dt. 8.1.2003 and medical certificate. The application was also duly

forwarded by the Principal vide his letter dt.10.7.2003.

The copy of representation dt. 8.7.03 sent to the respondent No.3 is annexed as Annexure No.8.

The copy of forwarding letter dt. 10.7.03 of the Principal, KV, Kokrajhar is annexed as Annexure No.9.

4.12 That the applicant states that earlier his wife also submitted representations to the respondent authorities with a request for transfer of the applicant on the ground of ailments of herself as well as of the applicant, marriage of their daughter during service period and the difficulties faced by them for not being able to stay together. But the respondents did nothing to consider the said representations and even failed to reply to the same due to reasons best known to them.

4.13. That the applicant states that as nothing was done by the respondents in this regard, he preferred an application being O.S. 170/2003 before this Hon'ble Tribunal on 31.7.03 stating the facts in detail and prayed for a direction to the respondents to transfer the applicant in Kanpur on adjacent area in terms of Govt. & K.V.S. transfer policy as he is going to retire on 31.5.2004. Thereafter, the Hon'ble Tribunal directed the respondents to bring instructions and they intentionally took adjournments number of times

just to defeat the claim of, the applicant and ultimately filed the written statement on 21.11.2003 i.e., the date of disposal of the matter. Surprisingly the respondents have taken a false plea that in para 3, 3-C and 3-D <sup>that</sup> as the applicant was transferred to Kokrajhar on administrative ground and not in public interest, his case for transfer cannot be considered in terms of Got. as well as K.V.S. policy.

The copy of written statement filed by the respondent No.3 in O.A.No 170/03 is annexed as Annexure No.10.

4.14. That the applicant states that thereafter, this Hon'ble Tribunal vide an order dt. 21.11.2003 was pleased to dispose of the application after discussing the contents of the application as well as the written statement, directing the respondents to pass a reasoned and speaking order on the representations of the applicant taking into grounds in the O.A. within 2 weeks.

The copy of order dt. 21.11.2003 passed in O.A.No.170/2003 is annexed as Annexure No.11.

4.15 That the applicant states that as the copy of the order was sent to the respondent No.2 on 9.12.2003 and as no action was taken, a reminder dt. 27.12.2003 was also sent to him. Thereafter the respondent No.2 issued a Memorandum dt. 5.1.04 rejecting the representation of the applicant.

The copy of impugned Memorandum dt. 5.1.04 issued by respondent No.2 is annexed as Annexure No.12.

5. GROUND OF RELIEF WITH LEGAL PROVISION:

- i) For that the impugned action of the respondents in not transferring the applicant ( who is due for retirement w.e.f. 31.5.2004 ) in violation of policy guidelines of the Govt. of India as well as of the Kendriya Vidyalaya Sangathan is illegal, arbitrary and against the principles of equity, good conscience and administrative fairness.
- ii) For that the respondents ought to have considered the representations of the applicant on the ground reality of the facts and circumstances , considering his age, stationing of the family at Kanpur, marriage of daughter, as well as ailment of his wife and of his own etc. But the respondents in a most arbitrary manner did not consider <sup>favourably</sup> the case of transfer of the applicant due to reasons best known to them.
- iii) For that the Government as well as the Kendriya Vidyalaya Sangathan have formulated schemes for proper implementations of transfer of its employees. As per their own guidelines, incorporated in Accounts Code as well as in letter dt. 14.8.2002 an employee who is to retire on or before 31.3.2005 is entitled for 20 points and his case is to be considered on priority basis. On the other hand, the priority is also to be given to the employees who have completed 3 years service in North Eastern Region. There are other grounds also like ailments etc, for which the case of the applicant ought to have been considered. But the

2



respondent authorities did not consider the case of the applicant in violation of their own guidelines, ~~which~~ is not permissible under the law. As such the impugned action of the respondents in violation of their own guidelines/procedure, is not proper, is illegal and is in violation of the principles of natural justice, equity, good conscience and administrative fairness.

iv) For that the action of the respondents in transferring similarly situated employees, some of whom will retire after the applicant, and not considering the case of the applicant is discriminatory in the eye of law and as such this Hon'ble Tribunal may be pleased to interfere into the matter and the applicant prays for a direction to the respondents to transfer the applicant in the light of their own guidelines/circulars which are in force till date.

v) For that the respondents have ignored their own guidelines contained in the letters/notifications in depriving the applicant of his request for transfer, who is on the verge of retirement within ~~4~~ months, which is not permissible and the respondents cannot do anything on their whims and caprice in not considering the case of the applicant.

vi) For that the respondents have <sup>taken</sup> much time in filing written statement in previous O.A and also did not take timely action to consider the representations just to frustrate the cause so that the applicant will not get any relief before he retires on 31.5.04. The delayed action of the respondents should be taken seriously by this Hon'ble Tribunal to uphold the dignity

of the Hon'ble Tribunal.

vii) For that the respondents without verifying the actual reason of transfer of the applicant from Kanpur Cantt. to Kokrajhar KVS, ~~made~~ false statement in the written statement that the applicant was transferred on administrative ground and as such his case for transfer cannot be considered before completion of 5 years in K.V.S. Kokrajhar as per policy. Moreover, the respondent No.3 contended before the Tribunal that the applicant has falsely filled up the reason for earlier transfer column No.5 of the application for transfer as "No.2"(Transfer in Public Interest) which according to them should have been as "No.3" ( transfer in Public interest on Administrative Grounds) and the Hon'ble Tribunal in Para 5 of the order had to observe the same and no specific direction for transfer of the applicant was passed. This filing of false statement in written statement just to frustrate the prayer of the applicant is highly condemnable and proper action should be taken against them for placing just wrong facts before the Hon'ble Court. Further, there was no disciplinary or any other proceeding against the applicant necessitating any transfer on administrative grounds. However, the transfer was made in public interest and there is no bar for transfer of the applicant on request

viii) For that although this Hon'ble Tribunal did not direct specifically for transfer of the applicant,

directed the respondents to pass a reasoned and speaking order considering the case of the applicant as per the grounds taken in the application. But the respondent No.2 after a long gap issued the impugned Memorandum rejecting the prayer of the applicant. In the memorandum, the respondent No.2 avoided the actual grounds for transfer as contained in the guidelines on one pretext or another citing some unreasonable and wrong grounds as regards reasons for rejecting the prayer. The applicant further submits that apart from ~~their~~ own transfer policy of K.V.S being under Union of India, the general transfer policy of Govt. of India is also applicable to employees of KVS, more particularly regarding transfer of persons to and from North Eastern Region. The Accounts Code for the Kendriya Vidyalaya (Annexure No.5) is itself a testimony of the following policy of the Govt. of India and the respondents are duty bound to implement the same. Any violation of the same should be taken seriously and appropriate action should be taken accordingly. Furthermore, the respondent No.2 has taken a general view of transfer policy citing some reasons. But the case of the applicant comes under a different footing and the respondents ought to have considered the case of the applicant favourably.


ix) For that the respondent No.2 wrongly stated in the impugned order that the applicant has sought

transfer to Kanpur only where no vacancy is available. But on bare perusal of the application for transfer on request for 2003-2004, the applicant has given names of 5 places i.e., Kanpur, Unn<sup>a</sup>o, Lucknow, Fatehgarh and Etowoa which falls under jurisdictions of Kanpur and there are vacancies for accommodating the applicant. The applicant further submits that the case of the applicant for transfer should have been given preference over other teachers who will retire after the applicant. But many teachers from N.E. region, who are junior to him in age, have been transferred on own request bypassing the claim of the applicant.

x) For that the respondents have not at all considered favourably the prayer of the applicant of ill health of his wife and himself as well as problems relating to his children which should have been taken into account also. But the same has been rejected outright just to deprive the applicant of his legitimate right.

xi) For that an interim order directing the respondents to transfer the applicant at an early date is required to be passed *bonafide*.

xii) For that in any view of the matter, the action of the respondents in not considering the case of the applicant for his transfer is bad in law, arbitrary discriminatory and against the principles of equity good conscience and administrative fairness and the impugned Memorandum is liable to be set aside and quashed.



6. DETAILS OF REMEDIES EXHAUSTED

That the applicant has exhausted all his remedies by filing representations/applications from time to time and also by approaching this Hon'ble Tribunal vide O.A. No.170/03.

7. MATTERS NOT PREVIOUSLY FIXED OR PENDING WITH ANY OTHER COURT/TRIBUNAL.

The applicant declares that he has not filed any applicatin, writ petition or suit regarding this matter in any Court of Law or Tribunal <sup>except O.A. No. 170/03 (disposed)</sup> and no case is pending before any Court.

8. RELIEFS SOUGHT FOR :

In view of the facts and circumstances of the case the applicant prays for the following reliefs:

1. To hold the impugned action of the respondents in denying the transfer of the applicant from Kendriya Vidyalaya, Kokrajhar to the place of his choice under Kanpur area, Uttar Pradesh is in violation of the guidelines/notifications.
2. To direct/command the respondents to transfer the applicant to the place nearest to his home town preferably in any Kendriya Vidyalaya in Kanpur area or in areas preference of which has been given in his applicationn format(vide Anx.No.7) in terms of official Accounts Code (vide Annexure No.5) and letter dated 14.8.2002 of the respondent No.2(vide Annexure No.6) immediately considering his date of retirement is on 31.5.2004.
3. To grant any other relief that the applicant may be entitled to .

9. DETAILS OF INTERIM RELIEF SOUGHT FOR :

The applicant prays that pending disposal of his application -

i) the operation of impugned Memorandum dt.

5.1.04 issued by the respondent No.3 ,  
Commissioner, Kendriya Vidyalaya Sangathan ,  
New Delhi rejecting the prayer of the applicant  
for his transfer to Kanpur area ( vide  
Annexure No.11) may be stayed /suspended.

ii) to direct/command the respondents to transfer  
the applicant to a place nearest to his home town  
preferably in any Kendriya Vidyalaya in Kanpur area  
or in areas, preference of which has been given in  
his application format ( vide Annexure No.7) in terms  
of official Accounts Code (vide Annexure No.5) and  
letter dt. 14.8.02 of the respondent No.2(vide Anx.6)  
immediately considering his date of retirement is on  
31.5.2004.

10. DETAILS OF POSTAL ORDER.

Postal order No.	: 11A 378109
Date of Issue	: 4.2.04
Issued from	: G.P.O. Guwahati.
Payable at	: Guwahati.

11. LIST OF ENCLOSURES:

1. As per Index

- VERIFICATION -

I, Sri Raja Ram Dwivedi, aged about 59 years, 8 months, son of late G.P. Dwivedi, permanent resident of village Mawaiya, P.O. Harjindranagar, P.S. Chakari, Dist. Kanpur Nagar, Uttar Pradesh, presently serving as work Experience Teacher in Kendriya Vidyalaya, Kokrajhar Assam do hereby verify that the contents in paragraph 1, 2, 3, 4, 6, 7, 10 and 11. are true to my personal knowledge and para 5, 8 and 9 are believed to be true as legal advice and I have not suppressed any material facts.

Date: 1.2.2004

Place: Guwahati.

*Raja Ram Dwivedi*

Signature of the Applicant

Kendriya Vidyalaya Sangathan  
(Estt. IV Section)  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
NEW DELHI - 110 016.

ANNEXURE NO. 1

No.F.3-1(16)/99-KVS(E.IV)

DATED: 7/10/2000

OFFICE ORDER

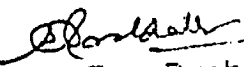
The transfer of the under mentioned employee is hereby ordered with immediate effect in public interest:

Sl. No.	Name of the employee With designation	<u>Transferred</u>	
		From K.V.	To. K.V.
01.	Sh. RR Dwivedi, WET	Kanpur Cantt.	Kokrajhar

( One case only)

The above employee is entitled to TA, joining time etc. as per KVS Rules.

This issues with the approval of Commissioner, KVS.

  
(Dr. E. Prabhakar)  
Education Officer

Copy to:

- 1- Individual concerned.
- 2- The Principal, KV, Kanpur Cantt. alongwith the copy of transfer order in respect of above employee with the direction to handover the copy to him/her dated signature may please be obtained. He/She may immediately be relieved. He/She may be paid TA etc. as per KVS Rules. His/ Her date of relief should immediately be intimated to the undersigned.
- 3- The Asstt. Commissioner, KVS, RO, Lucknow/Silchar.
- 4- The Principal, KV, Kokrajhar. The date of joining in respect of above employee should promptly be intimated to the undersigned.
- 5- Guard file.

Certified to be  
true Copy  
  
Advocate



P/COPY

-20-

R.R. DWIVEDI, W.E.T. 3  
K.V. KOKRAJHAR  
DATE 12th Oct/2001.  
15th

To

The Commissioner,  
KVS H.Q. NEW DELHI-16

(Through Proper Channel)

ANNEX NO. 2

SUB :- Request Transfer On Superannuation for Final  
Settlement on Compassionate Grounds :-

Sir,

I have the honour to request to draw your kind attention towards the KVS H.Q. letter N. F.1-1/2002-2003/KVS(Esstdt-III) dtd. 14/8/2001 Para Sl.No. 6(C)(1), regarding request for transfer for the year 2002-2003.

In this regard, I would like to pray for your sympathetic consideration for condoning the period of 1 month and 5 days to consider my request of transfer application for the year 2002-2003 on date of superannuation. My date of birth is 6-5-1944. My date of less than 2 years of service is on 5-5-2002, but the targeted date required is 31/3/2002. I have submitted my application for transfer to KV Kokrajhar on 1/10/2001 for consideration. The following reasons are the cause of my present worries:-

1. My spouse is suffering from LUMBER SPONDYLOSIS with acute backache and SEVERED HYPERTENSION since 10-9-1999 and remains hospitalised oftenly. She is under constant treatment in Airforce Hospital Kanpur for her disease. The specialist opinion through (M.R.I.) is to go for Disc Surgery of lower spinal cord. The surity of cure is not ensure, she may get some relief. She is unable to sit or walk, remains on bed most of the time.

2. In my family, I have three grown up daughters Aged 27, 22 and 18 years, engaged in higher studies, 1st one in medical, rest two are in Engineering, all are hostellers under Agra University, one son aged 15 years is a student of Class XI is only remains with her mother to look after his ailing mother.

3. I am sanctioned the part final with drawal of GPF for construction of own house for selfer which I do not have till now by the KVS Guwahati Region Vide letter No. 1-48/GPF-CPF/2001-KVS(GR/15904-07 Dt. 12/9/2001.

Certified to be  
true Copy  
Advocate

Contd. P/2

// 2 //

4. I have to arrange the marriages of my three grown up daughters immediately as early as possible. It is a social obligation which is a tedious task at present time.

5. It is a difficult task for a simple teacher like me, to wear the financial burden in this declined age.

I, therefore, pray to consider my problems and help me out to overcome from my these present worries. I will be ever grateful to you.

Thanking you Sir.

Date :-

12/10/2001

Yours faithfully

*R.R. Dwivedi*

Enclosures :

( R.R. DWIVEDI ) W.E.T.

1. Medical certificate of Spouse.
2. Educational certificate of Daughters
3. Zerox copy of letter of part final G.P.F. for construction of my own house.
4. Extract of Date of Births of my dependents children from Service Record.

केन्द्रीय विद्यालय कोकराजहार

ANX NO. 3

KENDRIYA VIDYALAYA KOKRAJHAR

ASSAM : 783370

Ref. No. F. 08/Trans. /K.V. /2001-2002/339-340

Date. 15/10/2001

To

The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Guwahati Region, Guwahati.  
Maligaon Chariali, Guwahati-12.

Subject: Request transfer on superannuation for final settlement  
on compassionate Grounds.

Sir,

Please find enclosed herewith two copies of applications  
received from Sh. R. R. Dwivedi, NET of this Vidyalaya on the subject  
cited above.

Sh. Dwivedi was transferred from K. V. Cantt, Kanpur and  
joined this Vidyalaya on 14th. November '2000. Sh. Dwivedi has genuine  
multiple problems. Hence his applications are being Forwarded to  
your highness for onward transmission and this is also to pray,  
if possible, his prayer may kindly be considered sympathetically.

Thanking you.

Yours faithfully,

(R. KISHORE.)

PRINCIPAL

K. V. KOKRAJHAR.

Copy to:-

1. Sh. R. R. Dwivedi, NET, for information.
2. Personal file.

(R. KISHORE.)

PRINCIPAL

K. V. KOKRAJHAR.

KENDRIYA VIDYALAYA

GUWAHATI REGION

GUWAHATI-12

Advocate

FR-SR-Part D

Ann. No. 4

APPENDIX 9

**INCENTIVES FOR SERVING IN REMOTE AREAS**

[ G.I., M.F., O.M. No. 20014/3/83-E, IV, dated the 14th December, 1983, read with O.M. No. 20014/3/83-E, IV, dated the 30th March, 1984, 27th July, 1984, G.I., M.F., U.O. No. 3943-E, IV/84, dated the 17th October, 1984, O.M. No. F. 20014/3/83-E, IV, dated the 31st January, 1985, 25th September, 1985, U.O. No. 824-E, IV/86, dated the 1st April, 1986, O.M. No. 20014/3/83-E, IV, dated the 29th October, 1986, O.M. No. 20014/3/83-E, IV/E, II (B), dated the 11th May, 1987, 28th July, 1987, 15th July, 1988 and O.M. No. F. 20014/16/86-E, IV/E, II (B), dated the 1st December, 1988. ]

I

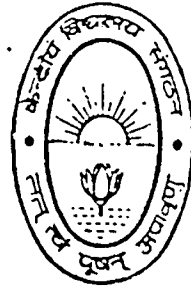
Allowances and facilities admissible to various categories of civilian Central Government employees serving in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram, Andaman and Nicobar Islands and Lakshadweep Islands. These orders also apply *mutatis mutandis* to officers posted to N-E Council, when they are stationed in the N-E Region:—

**(i) Tenure of posting/deputation:**

There will be a fixed tenure of posting 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period 2/3 years. Officers, on completion of the fixed tenure of service mentioned above may be considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Government employees to the States/Union Territories of the North-Eastern Region, will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

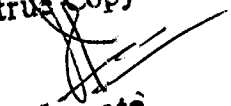
J



**ACCOUNTS CODE  
FOR THE  
KENDRIYA VIDYALAYAS**

**KENDRIYA VIDYALAYA SANGATHAN  
18 INSTITUTIONAL AREA  
SHAHEED JEET SINGH MARG  
NEW DELHI - 110016**

Certified to be  
true Copy

  
Advocate

APPENDIX 24

**SPECIAL ALLOWANCE AND FACILITIES FOR SERVICE IN NORTH-EASTERN REGION, ETC.**

The need for attracting and retaining the services of teachers and officers for service in the North-Eastern Region comprising the states of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh, Sikkim and Mizoram has been engaging the attention of the KVS for some time. It has been accordingly decided that the following improved allowances and facilities may be sanctioned to the employees of the KVS serving in the North-Eastern Region and Andaman & Nicobar Islands on the analogy of similar orders issued by the Government of India in respect of their civilian employees serving in that area. The orders came into effect from 1.11.83 as extended from time to time.

**1. Tenure of Posting**

There will be a following tenure of posting on transfer at a time for KVS employee having All India transfer liability and on completion of this tenure, they will be considered for posting to a station of their choice as far as possible.

- |   |             |
|---|-------------|
| a) For staff with service of 10 years or less   | Three years |
| b) For staff with more than 10 years of service | Two years   |

Period of leave, training, etc. in excess of 15 days per year will be excluded in counting the tenure period. However, the period may be extended in exceptional cases in exigancies of public service or when the employee concerned is prepared to stay longer. Deputation allowance will be admissible during the extended period also.

This will not, however, be applicable to these officers and employees who have been specifically recruited for service in the North-Eastern Region.

**2. Weightage for service in North-Eastern Region**

Satisfactory performance of duties for the prescribed tenure in the North-Eastern Region shall be given due recognition in the case of eligible officers in the matter of:-

- a) Promotion in Cadre Posts;
- b) Deputation to Central tenure posts; and
- c) Courses of training in India and abroad.

A specific entry shall be made in CR of all employees who rendered a full tenure of service in the North-Eastern Region to that effect.

-26-

**KENDRIYA VIDYALAYA SANGATHAN  
18, INSTITUTIONAL AREA  
SHAHEED JEET SINGH MARG  
NEW DELHI -110016.  
ESTABLISHMENT SECTION**

**Ann NO. 6**

Dated: 14.08.2002

F.1-1/2003-2004/KVS(Estt-III)

The Principal,  
All Kendriya Vidyalayas

Sub : Annual request transfer in respect of teaching and non-teaching staff of Kendriya Vidyalayas for the year 2003-2004 - applications regarding.

Sir/Madam,

It has been decided to invite fresh applications from teaching and non-teaching staff of Vidyalayas (excluding Principals and Vice-Principals) for effecting request transfers during the year 2003-2004. All are eligible to apply except those covered by clause 18(d) of the existing transfer guidelines. Application format has been modified now and accordingly instructions have been revised to that extent. Hence those employees who preferred applications for their request transfer in response to KVS(HQ) circular No. F. 1-1/2002-KVS (E.III) dated 14.8.2001 are also directed to apply afresh in the new format for request transfers for 2003-04, as the earlier application does not conform to the present requirements and they will not be considered strictly. Principals are requested to ensure this.

## 2. PUBLICITY

There have been general complaints that the instructions accompanying application form are not made available to the applicants. It is made clear that the awareness of the instructions in proper perspective is necessary to fill up the application form without mistakes and with the correct code (s) wherever necessary. Therefore, a set of three copies of this application is being sent along with instructions. One copy is meant for official use, another for reference in the library, and the rest for display on the Vidyalaya Notice Board.

## 3. HOW TO APPLY

- (i) Eligible employees desirous of seeking transfer can prefer only one application (in quadruplicate) in the enclosed format (either for intra-station or for inter-station).
- (ii) The applications must conform to the given format both in form and content.
- (iii) No enclosure is allowed with the application.
- (iv) Medical Certificate in support of request on medical grounds and/ or declaration regarding employment of spouse are part of the application. They should be obtained/recorded on the body of the form itself to avoid detachment.
- (v) Over-writing must be avoided.
- (vi) Utmost care should be taken to fill up correct GPF/CPF No., KV code and Station codes after careful reading of all the instructions in the prescribed columns, respectively. Wrong codes, even if filled inadvertently, may lead to wrong transfer/posting, which cannot be changed later on.

Advocate

27

CODE OF CONDUCT REGARDING CANVASSING OF NON-OFFICIAL /OUTSIDE INF  
ENCE

Attention of all concerned is drawn to the provision of Article 55 (27) of Education code and Rule 20 of CCS (Conduct) Rules. The employee concerned be informed that any violation thereof shall render them liable for disciplinary action. Canvassing in any form, Overt or Covert, direct or indirect will automatically disqualify teacher/staff from being considered for transfer and his/her name will be removed from the priority list of transfer and disciplinary action will be taken against the teacher as per CCS (CCA) Rules, 1965.

5. ENDORSEMENT:

- (i) The application and declaration wherever necessary must be signed by the employee himself/herself. Applications endorsed by spouse, parents etc for and on behalf of the employee is not acceptable and hence should not be forwarded. Medical Certificates must have the signature of Civil Surgeon/Chief Medical Officer
- (ii) The forwarding note must be endorsed by the Principal after satisfying himself / herself personally of the correctness of the entries made by the applicant. It has been observed that the details furnished by the applicants are not subjected to proper verification before endorsing the forwarding note. Therefore, the Principals are requested to pay their personal attention to ensure correctness of the entries, so that wrong information does not affect prioritization. Any wrong information filled in by the applicants and duly counter signed by the Principal will attract disciplinary action against the individual as well as the counter signing authority.

6. SUBMISSION OF APPLICATION

Last date for submission of applications to the Principals of the concerned Vidyalaya, in quadruplicate, is 1.10.2002. These may be arranged as intra-station and inter-station requests and forwarded in duplicate (in two lots with separate lists) to the Assistant Commissioner of the Region concerned not later than 10.10.2002 and one copy of the application may be retained in the Vidyalaya and the remaining copy containing Principal's endorsement be returned to the employee for his/her reference & record. Application of the employees who are not eligible to be considered for transfer in terms of Clause 18 (d) of the Transfer Guidelines should not be forwarded to the ROs. Advance copy of application(s) forwarded directly by the Principals will not be entertained by the Head Quarters. Principal should forward the applications to ROs as (preferably once in a week) and when received, after completing the formalities, instead of waiting for the last date. Once the transfers are effected, request for cancellations of transfer will not be entertained.

7. LATE APPLICATION:

Applications received after the stipulated dates mentioned above, will not be considered. The applicants and the Principals should, therefore, strictly adhere to the target dates specified in para 6 above. In order to avoid any rejection of application for want of correct information from the applicant and subsequent rectification at RO level, the applicants are requested to submit their forms well in time.

Yours faithfully,

(D.S. Bist)  
Jt. Commissioner (Admn.)



Asstt. Commissioner, All Regional Offices, Kendriya Vidyalaya Sangathan.

- (a) He/She is requested to go through each set of application carefully before submission. May send one set to KVS (Hqrs) duly completed in all respects as under, so as to reach by 31.10.2002.

A. PGT, TGT & HM: As one bundle to Estt.III Section

B. PRT, Misc. Categories & As one bundle to Estt.IV Section

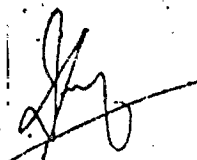
Non-Teaching Staff:  
(Except Group-D)

Instructions given vide KVS (HQ) circular No. F.11/95-KVS(Estt.III) dated 6.9.95 may also be followed, wherever required. The instructions available at clause 2(ii)(b) of transfer guidelines may be followed scrupulously in the case of non-availability of ACR for any of the year indicated at serial No. 9 of application form.

- (b) May indicate entitlement points of performance as well as total/grand total there at Sl. No. 9.
- (c) Verify the application submitted by the applicant thoroughly.
- (d) Shall feed in the application form as per instructions given in the training programme organized in the first week of August 2002, for the purposes of enabling on line transfer. The booklet distributed during the training programme may be utilized for the purpose. A copy of the same is enclosed for ready reference. For further inquiry may contact the EDF Cell of KVS (Hqrs).
- (e) In case of receipt of application on medical grounds, the same may be forwarded/verified by the Medical Board constituted at the Regional level, before adopting the procedure at (d) above. After feeding in the data, one set of application along with Medical Certificate in original should be sent to the Headquarters for final verification and one to be retained by the Regional Office

2.

All Officers and Sections of KVS(HQ)



Joint Commissioner (Admn.)

# INSTRUCTIONS FOR FILLING UP APPLICATION FOR TRANSFER

## GENERAL

(i) Transfers are regulated in a limited time-frame. A single cancellation of transfer is enough to upset the schedule/chain and hamper the prospect of a group of needy persons getting transfer. So cancellation of request to change in circumstances should be made within 10 days of publication of priority list. The FAX No. of HQ. is 011-6514179. Transfer, once effected, will not be cancelled. The employees are dissuaded in their own interest from taking chance with the intent of obtaining cancellation later.

(ii) All columns must be legibly filled in Block letters using alphabetical numerical code, wherever prescribed. No enclosures are allowed. Medical Certificate/Declaration should be obtained/made on the appropriate page of the application form itself.

Name of the Vidyalaya where the employee is working presently must be expressed in Code. – Present region code, present station code, present K.V. Code/present office code. must be filled in, from the codes given in the list of codes. In case of Non-teaching staff, the office code/KV Code should be filled in accordance with the list of codes for office/KV. Code Annexed.

(iii) **POST HELD** : These boxes given in the Top row on the front page of the application may be filled in from the abbreviations given below.

		POST	SUBJECT
		<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
		e.g. <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px; text-align: center;">T</div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px; text-align: center;">G</div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px; text-align: center;">T</div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px; text-align: center;">M</div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px; text-align: center;">A</div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px; text-align: center;">T</div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px; text-align: center;">H</div>
Trained Graduate Teacher	Maths	TGT	MATH
Trained Graduate Teacher	Biology	TGT	BIOL
Trained Graduate Teacher	English	TGT	ENGL
Trained Graduate Teacher	Hindi	TGT	HIND
Trained Graduate Teacher	Sanskrit	TGT	SANS
Trained Graduate Teacher	Social Studies.	TGT	SOST
Post Graduate Teacher	Biology	PGT	BIOL
Post Graduate Teacher	Chemistry	PGT	CHEM

Post Graduate Teacher	Physics	PGT	PHYS
Post Graduate Teacher	Maths	PGT	MATH
Post Graduate Teacher	English	PGT	ENGL
Post Graduate Teacher	Hindi	PGT	HIND
Post Graduate Teacher	History	PGT	HIST
Post Graduate Teacher	Geography	PGT	GEOG
Post Graduate Teacher	Commerce	PGT	COMM
Post Graduate Teacher	Economics	PGT	ECON
Post Graduate Teacher	Sanskrit	PGT	SANS
Drawing Teacher	Miscellaneous	MSC	DRGT
Physical Edn. Teacher	Miscellaneous	MSC	PETR
Yoga Teacher	Miscellaneous	MSC	YOGA
Work Exp. Teacher	Miscellaneous	MSC	WETR
Music Teacher	Miscellaneous	MSC	MUST
Primary Teacher	PRT	PRT	—
Head Master	HDM	HDM	—
Non Teaching Staff	Librarian	NTS	LIBR
Non Teaching Staff	Supdt.	NTS	SUPD
Non Teaching Staff	Asstt. Supdt.	NTS	ASPD
Non Teaching Staff	UDC	NTS	UDCL
Non Teaching Staff	LDC	NTS	LDCL
Non Teaching Staff	Lab. Asstt.	NTS	LAST
Non Teaching Staff	Lab. Attendant	NTS	LATN
Non Teaching Staff	Group 'D'	NTS	GRPD

31

Except Primary Teachers and Head Master/Head Mistress all others would use both the block of the boxes. Primary Teachers and Head Master may leave the second block of boxes blank.

SI. NO.1 : NAME

Write full name without any prefix like SHRI/SMT/KUM. One box is meant for one alphabet. Add additional box, if necessary. Leave one box blank between initials and name.

e.g. Shri Ajay Kumar Ram will

be written as

A K R A M or A J A Y K U M A R R A M

SI. NO.2 : WHETHER MALE/FEMALE  
Write M for Male and F for Female.

☐

SI. NO. 3 / 4 (i) & (ii) (a)&(b): Date of Birth/Date of Appointment in the present post/ DATE OF JOINING THE PRESENT K.V./STATION (IN THE PRESENT POST)

These columns are to be filled in Christian Era, the date followed by month and year in "DD MM YYYY" format. For example, Third September, Nineteen Eighty Four will be written as

0 3

0 9

1 9 8 4

(Date of appointment in present post should exclude any service on ad-hoc contractual basis.)

SI. NO. -5 DETAILS OF LAST TRANSFER:

The reason col. has to be filled in by the Code No. as detailed below:

Code No.	Explanation
1.	Transfer on Surplus grounds in Public interest due to withdrawal of post/closure of stream/K.V.
2.	Transfer in Public interest on displacement (for accommodating the request of other teacher/staff)
3.	Transfer in Public interest on Admn. Grounds.
4.	On direct appointment
5.	On promotion
6.	On request transfer
7.	On return from long leave
8.	Other grounds

SI. NO. 6 : GROUNDS FOR SEEKING TRANSFER

The grounds envisaged in the transfer guidelines have been assigned Category Codes (alphabetical). Division Codes (numerical) having entitlement points as follows:

12	GROUND	CATEGORY CODE	DIVISION CODE	ENTITLEMENT POINTS
	c) OTHERS			
	i) Less than two years to retire	LTR	03 Less than two years to retire i.e on or before 31.3.2005	20
	ii) North East and Hard Station	NEH	04 Staff posted in 7 NE States, SIKKIM, A&N Islands and listed Hard stations completing their tenure (3 years) as on 31.3.2003	20
	iii) Blind and Physically handicapped	PHD	05 Visually and orthopeadically handicapped persons	15
	iv) Ladies not having spouse	LNS	11 Unmarried/Divorced/ Widowed Lady	12
	v) Other grounds not covered by (c) (i) to (iv) & (vii) and also cases not covered under medical ground or Death of Spouse ground	OGS	12 Other grounds	10
	vi) On completion of more than 3 years stay at the present station	SPS	13 Other grounds on completion of 3 years Stay	01 for each year of stay exceeding 3 years subject to maximum of 20 points
	vii) Joining the spouse	JSP	06 Spouse in KVS 07 Spouse in Central Govt. 08 Spouse in Central Autonomous Bodles /PSUs 09 Spouse in State Govt./State Autonomous Bodies/ PSUs 10 Spouse in Private service/ self employed/ others	20 18 15 12 10

The above Codes are just indicative of the grounds and not to be construed as the order of priority. Applicants having more than one ground amongst the above may indicate their choices in Category Code, Division Code and Entitlement Points accordingly.

While calculating the period of stay, the period or periods of absence from duties exceeding 30 days (45 days in case of NE Region, Sikkim and A&N Island) at a stretch other than on maternity leave, training or vacation is to be excluded.

#### Listed Hard Stations

Name of State	Name of Kendriya Vidyalaya	KV Code
1. Chhatisgarh	Bacheli	1514
	Baikunthpur	1515
	Kirandul	1540
2. Gujarat	Bhui No. I (AFS)	1013
	Bhui No. II (Cantt.)	1014
	Dantiwada, BSF	1016
	Dharangdhara	1017
	Naliya, AFS	1031
	Okha	1032
	Wadsar, AFS	1006
3. Himachal Pradesh	Bakloh Cantt.	1617
	Chamera No. I (NHPC)	1623
4. Jammu & Kashmir	Bandipur, BSF	1618
	Kishtwar, Dul Hasti Project	1636
	Leh	1637
5. Jharkhand	Singharashi, AFS	1805
6. Karnataka	Donimalai	1065
7. Maharashtra	Karanja, NAD	1205
8. Orissa	Koraput	1178
9. Rajasthan	Bikaner, NAL	1572
	Jalipa Cantt.	1583
	Uttarlai, AFS	1584
10. Uttaranchal	Joshimath	1355
	Mukteshwar, IVRI	1362
	Uttarkashi	1374
11. Uttar Pradesh	Rihandnagar	1796
12. West Bengal	Hashimara	1249

NO. 7 :

Those who will be completing their stay of 3 years in the N.E. Stations, Sikkim, A&N Islands and Hard Stations or 5 years elsewhere as on 31-3-2003 may fill in 'Y' in this column otherwise 'N'. The stay period should exclude the period of absence as given under note (ii) of Sl. No. 6 above.

Sl. No. 8(a) and (b):

An employee who was rendered surplus earlier and redeployed on or after 1.4.1998 would get the benefit of stay at the previous station along with the stay at the present station for considering his/her request to a new station (excluding the station from where declared surplus earlier). But in case, the employee wants to claim the same station, as one of the 5 choices, from where he/she was rendered as surplus, then the period of stay at the new place after being declared surplus will now be counted with respect to coming back to the same station.

This is confined only to cases where teachers have been transferred out on being rendered surplus from the North East, J & K and other hard stations on or after 01.04.1998. In all other cases, teachers who were transferred on surplus grounds or closure of the school, will not be entitled for such benefit.

(To fill in the K.V. code and station code where you are presently posted, along with the period of stay, period of absence and reason for transfer. The Code Nos. for the reason for transfer are as given under item no. 5.

Details of earlier transfer within the last five years may be filled in (as enumerated above) before joining the present KV/Station on surplus grounds.)

Sl. NO. 10.1 :

For Intra Station Transfers

Code Nos. of five choice KVs in the same station where you are posted at present can be filled in, according to your preference order

Sl. No. 10.2 :

For inter station transfers.

Codes numbers of five choice stations can be filled in, according to your preference order subject to the grounds chosen, choice station is permissible.

Note:

Employees are eligible to apply only one application in quadruplicate EITHER FOR INTRA STATION OR FOR INTER STATION. Any application found filled in for both inter and intra station transfer would summarily be rejected.

NO.11 : CATEGORY OF PLACE WHERE SPOUSE IS WORKING.

The Codes prescribed are :

- 01. Spouse working at or under orders of transfer to the station of choice, or nearby.
- 02. Spouse working at the same station where applicant is currently working.
- 03. Choice stations bear no relation to the place where spouse is working.

SI. NO.12 & 13

In case the answers are in the affirmative write Y: Otherwise Write N.

The Medical Certificate or declaration is to be obtained on the body of the application itself. Only Cancer, Paralytic Stroke, Renal failure or coronary artery disease where by-pass surgery has been actually done for self. Spouse and dependent children are considered as valid for transfer on medical grounds when facilities for treatment are not available at the station of posting (duly certified by a Govt. Medical Officer not lower than the rank of a Civil Surgeon).

SI. NO.14 : TYPE OF DISEASE

Depending upon the disease certified by the competent authority indicate the type of disease in the following Codes in case transfer is sought on medical ground as well and answer against SI. No. 13 is in the affirmative.

<u>CODE</u>	<u>TYPE OF DISEASE</u>
CN	CANCER
PS	PARALYTIC STROKE
RF	RENAL FAILURE
CA	CORONARY ARTERY DISEASE WHERE BYPASS SURGERY HAS BEEN ACTUALLY DONE
OT	OTHER DISEASE

The brief description of illness which will be considered as medical grounds for the purpose of transfer, in terms of transfer guidelines is as under. Medical terms referred herein will bear meaning as given in the Butterworth's Medical Dictionary.



It is the presence of uncontrolled growth and spread of malignant cells. The definition cancer includes leukemia, lymphomas and Hodgkin's disease.

Exclusions:

This excludes non-invasive carcinoma(s) in-Situ; localized non-invasive tumour(s) revealing early malignant changes and tumour(s) in presence of HIV infection or AIDS; any skin cancer excepting malignant melanoma(s) are also to be excluded.

- (ii) Paralytic Stroke  
(cerebro-vascular accidents) Death of a portion of the brain due to vascular causes such as (a) Hemorrhage (cerebral), (b) Thrombosis (cerebral), (c) Embolism (cerebral) causing total permanent disability of two or more limbs persisting for 3 months after the illness.

Exclusions

- (i) Transient/Ischemic attacks.  
(ii) Stroke-like syndromes resulting from  
(a) Head Injury;  
(b) Intracranial space occupying lesions like abscess, traumatic hemorrhage and tumour.  
(c) Tuberculous meningitis, Pyogenic meningitis and meningococcal meningitis.

- (iii) Renal failure

It is the final renal failure stage due to chronic irreversible failure of both the kidneys. It must be well documented. The teacher must produce evidence of undergoing regular haemodialysis and other relevant laboratory investigations and doctor certification.

- (iv) Coronary artery disease where by-pass surgery has been actually done:

The use of surgery on the advice of a consultant cardiologist to correct narrowing or blockage of one or more coronary arteries.

Exclusions

Non-surgical techniques such as the use of either balloon or laser via a catheter introduced through the arterial system are excluded.

This column is applicable where transfer is sought on Medical Grounds and Columns 13 and 14 are also filled in. The relationship of the patient with the applicant should be indicated in the following Codes:

SF	-	Self,
SP	-	Spouse
CH	-	Dependent Children
OT	-	Others

#### PHYSICALLY HANDICAPPED- Explanation

Transfer of blind and orthopadically handicapped teachers provided they fulfil the following conditions:

- (a) Blind teacher having vision less than 3/60 or field vision less than 10 both eyes as certified by the Head of the Ophthalmologic Department of Government Civil Hospital.
- (b) Orthopadically handicapped teacher who has a minimum of 40% permanent partial disability of either upper or lower limbs or 50% permanent partial disability of both upper and lower limbs together, as certified by the Head of Orthopedics Department of a Government Civil Hospital according to the standards contained in the manual for orthopedic Surgeon in Evaluating Permanent Physical Impairment brought out by the American Academy of Orthopedic Surgeons. USA and published by Artificial Limbs Manufacturing Corporation of India, Kanpur.

REGION WISE LIST OF KENDRIYA VIDYALAYA

REGION—LUCKNOW		REGION CODE = 15	
STATION	STN. CODE	KENDRIYA VIDYALAYA	KV CODE
AGRA	354	AGRA CANTT NO.I (AFS)	1654
		AGRA CANTT NO.II	1655
		AGRA CANTT NO.III (BARRACK ROAD)	1656
ALIGARH	355	ALIGARH	1657
ALLAHABAD	356	ALLAHABAD, BAMRAULI	1658
		ALLAHABAD, CHHEOKI	1659
		ALLAHABAD, MANAURI	1660
		ALLAHABAD, NAINI	1661
		ALLAHABAD, NEW CANTT	1662
		ALLAHABAD, OLD CANTT	1663
		ALLAHABAD, PHULPUR (IFFCO)	1664
AMHAT, SULTANPUR	357	AMHAT, SULTANPUR	1665
AZAMGARH	358	AZAMGARH	1666
BARABANKI	359	BARABANKI	1667
BASTI	360	BASTI	1668
BULANDSHAHAR	361	BULANDSHAHAR	1669
DIBYAPUR	362	DIBYAPUR (NTPC)	1670
FAIZABAD	363	FAIZABAD CANTT	1671
FATEH GARH	364	FATEH GARH	1672
GONDA	365	GONDA	1673
GORAKHPUR	366	GOPAKHPUR	1674
HAZARATPUR	367	HAZARATPUR (OEF)	1675
JAGDISHPUR	368	JAGDISHPUR (BHEL)	1676
KANPUR	369	KANPUR (IIT)	1677
		KANPUR CANTT	1678
		KANPUR, ARMAPUR NO.I (KALPI ROAD)	1679
		KANPUR, ARMAPUR NO.II	1680
		KANPUR, CHAKERI NO.I	1681
		KANPUR, CHAKERI NO.II	1682
		KANPUR, CHAKERI NO.III	1683
LUCKNOW	370	KANPUR, OEF NO.I	1684
		LUCKNOW, (AMC)	1685
		LUCKNOW, (IIM CAMPUS)	1686
		LUCKNOW, (RDSO)	1687
		LUCKNOW, (SGPGI)	1688
		LUCKNOW, ALIGANJ	1689
		LUCKNOW, BAKSHI KA TALAB (AFS)	1690
		LUCKNOW, CANTT	1691
		LUCKNOW, GOMTI NAGAR	1692
		MEMAURA (AFS)	1693
MANKAPUR	371	MANKAPUR (ITI)	1694
MATHURA	372	MANKAPUR (MTP)	1695
		MATHURA BAAD	1696
		MATHURA CANTT	1697
MAU	373	MAU	1698
RAE BARELI	374	RAE BARELI NO.I	1699
SHAHJAHANPUR	375	SHAHJAHANPUR NO.I (CANTT)	1700
		SHAHJAHANPUR NO.II (OCF)	1701
SITAPUR	376	SITAPUR	1702
UNNAO	377	UNNAO	1703



40  
53  
(c) Others (See Instructions for following Codes):

Category Code

Division Code

Entitlement Points

Applicable  
(Y/N)

(i) L T R

0 3

2 0

Y

(ii) N E H

0 4

2 0

N

(iii) P H D

0 5

1 5

N

(iv) L N S

1 1

1 2

N

(v) O G S

1 2

1 0

Y

(vi) S P S

1 3

N

(vii) J S P

(Please fill-up if applicable)

(Please fill-up if applicable)

(Please fill-up if applicable)

Total : A

2 0

7. Completion of 3 years of continuous stay in NE & hard Stations OR 5 years elsewhere as on 31-3-2003 excluding the period of absence (Y/N)

N

8. Only for those who are at their present place & as a result of posting on deployment of surplus adjustment or closure of Vidyalaya or closure of stream. (PLEASE READ THE INSTRUCTIONS VERY CAREFULLY)

(a) Details of present posting

KV

Station

From

To

Period  
of absence  
in days

--	--	--	--	--	--	--	--	--	--	--

(b) Earlier transfer(s) within the last five years (To be filled in only if (a) above is applicable).  
(in descending order)

KV

Station

From

To

Period  
of absence  
in days

Reasons  
for  
transfer

		From DD/MM/YYYY	To DD/MM/YYYY	Period of absence in days	Reasons for transfer

(a) For Office Use Only (Confidential) To be filled in by Regional Office

Entitlement Points of Performance during the last 3 years

1999-2000

2000-2001

2001-2002

Grand total of  
Entitlement Points 'A' + 'B'

Total 'B'

(Total of 6 © + above)

Grand Total (A+B)

b) Whether 'MDG' grounds accepted by Regional Medical Board (Y/N)

c) Case of DSP verification done (Y/N)

Date

Signature of Assistant Commissioner

10. Choice Vidyalaya(s) or Station(s)

Instructions : Employees are eligible to apply either for Intra-station transfer (Sl. No. 10.1) OR Inter Station Transfers (Sl.No. 10.2). Applications filled in for both types of transfers i.e. Sl No. 10.1 and 10.2 will be summarily rejected.

10.1 For Intra Station transfer - Choice Vidyalayas  
(with in the same station)  
(Please see instructions)

K.V./Office  
Code

10.2 For Inter Station transfer - Choice Vidyalayas  
(from one station to another)  
(Please see instructions)

STATION Code

Kanpur

Unnao

Lucknow

Fatehgarh

BTAWAH.

11. Category of place where spouse is working

42-  
☐ ☐

12. Have you given the declaration regarding the  
Employment and place of posting of spouse (Y/N)

☐

13. Have you obtained a MC on the form (Y/N)

☒

14. Type of disease certified in the MC overleaf

☐ ☐

Please fill up code

15. Relationship of the patient with the applicant

☐ ☐

Please fill up code

I, Shri/Smt./Ktm. R.R. DWIVEDI S/o W/o D/o SH. G.P. DWIVEDI do hereby affirm that the information given in Sl.No. 01 to 15 excepting Sl.No. 9 of this application are correct and that the medical certificate (M.C.)/declaration given is/are bona-fide and I understand that wrong/suppressed information shall render me liable for disciplinary action.

Place: Kokrajhar (Assam)

Date: 20/9/2002

Signature: R.R. Dwivedi

Name: R.R. DWIVEDI

# -43- MEDICAL CERTIFICATE

(To avoid disqualification, please do NOT use abbreviation. Fill in with CAPITAL LETTERS only. Please do not attach any enclosure)

Name of Patient : R.R.DWIVEDI  
Address : KENDRIYA VIDYALAYA KOKRAJHAR (ASSAM)  
Date : 2/9/02

I, Dr. Abdul Moed with Medical Council Registration No. 6675 is hereby certify that Shri/Smt./Ms R.R.DWIVEDI aged 59y Sex MALE son/ daughter/wife of Shri/ Ms G.P.DWIVEDI is suffering from the disease/diseases with the details as follows and that treatment of this disease is not at all available at this station or its vicinity:

**A. In Case of Carcinoma :**

1. Name of Carcinoma with site effected:
2. Date when it was detected first :
3. Brief Histopathological Report with reference no. & dates :
4. T.N.M. Classification (if applicable) :
5. Evidences in support of uncontrolled growth :
6. Evidences in support of Metastasis :
7. Condition of neighboring or surrounding structures :
8. Treatment being continued in brief :
9. Full name of Surgery/Surgeries in connection with dates :

**B. In case of Renal Failure :**

1. Name of the disease causing Renal Failure :
2. Evidences in support of Chronic Irreversible changes :
3. Number of Dialysis done with dates :
4. Single or both kidneys are involved :
5. Any surgery including Renal Transplantation done or not :

**C. In Case of Loss of Muscle Power:**

1. How many extremities are affected :
2. Grading of Muscle Power at present :
3. Grading of Muscle Power at the onset of disease.
4. Duration of Loss of Muscle Power.
5. Any recovery after the onset till date :
6. Most direct cause of Loss of Muscle Power.

**D. In Case of Heart Diseases :**

1. Name of the disease
2. Date of first detection
3. Coronary Artery By Pass Grafting surgery done or not:  
If yes, please mention:
  - a) Date
  - b) Name of Doctor - Surgeon
  - c) Name of Hospital.

**E. OTHER DISEASES:**

1. Name of disease Lumber spondylitis
2. Date of first detection 10 Sept 99.
3. Any surgery done or done Disce Surgery recommended
4. Brief description of treatment continued

Treatment of LBD since

Sept 99

Name and signature of patient  
(R.R.Dwivedi)

(Signature of signing authority)

Name : A.A. Moed  
Name of the Deptt. : ...  
Name of Hospital : ...  
Place : KOKRAJHAR (ASSAM)  
Date : 3/9/02  
Seal : ...

37  
Joint Director of Health Services,  
Kokrajhar



• - 44

57

Transfer all order orders of transfer to

1. (Dept./unit/branch) since \_\_\_\_\_ (Date). His/her full office address with Name and Designation of immediate superior/detail of self-employment is/are as follows:

Name and Address of Immediate Superior Officer  
or Registration No. of Business/Profession

Designation

\*(Strike out whichever is not applicable)

- Signature \_\_\_\_\_

Name of the Principal  
Office Seal

RANJAN SKI SHORE

प्राचार्य/Principal,

केन्द्रीय विद्यालय

**Kendriya Vidyalaya**

**कोकराजार / Kokrajhar**

in the service records.

tho 4483570

Note: 1. Sl.No. 1 to 8 and 10 to 15 have to be checked and verified by the Principal from the service records. They should take personal interest/care and ensure that the entries made by the applicant are correct before countersigning. Any wrong information filled in by the applicant and duly countersigned by the Principal will attract disciplinary action against the individual as well as countersigning authority.

2. Assistant Commissioners have to ensure that the correct required points are given in Sl. No. 9 and implement note 1 above in letter and spirit with respect of entries to be checked by the respective Principals within their Region
3. GPF/CPF Account Number also to be checked.

Ref No: 1-1/2003-041 (LT) KVS (ESTT-II) dt 5-12-2002

To be preferred by only those employees who are due to retire on superannuation on or before 31.03.2006  
(To any station except to the station from where displaced during 01.04.2002 to 31.03.2003)

45

ANX. NO. 7

UNIQUE APPLICATION NO. [ ] [ ] [ ] [ ] [ ] [ ]

GPF/CPF No. 039066

(FOR OFFICE USE ONLY)

(Strike out whichever is not applicable)

**KENDRIYA VIDYALAYA SANGATHAN**

**APPLICATION FOR TRANSFER ON REQUEST 2003-2004**

- Note 1: Read instructions given in KVS circular F1-1/2003-2004/KVS (Estt III), dated 14.08.2002 carefully.  
2: Submit only ONE application in QUADRUPPLICATE  
3: All LTR employees desirous of preferring application should submit the application only in this format.

10

232

1451

MSC

WETR

PRESENT REGION  
CODE

PRESENT STATION  
CODE

PRESENT K.V. CODE/  
OFFICE CODE

POST HELD & SUBJECT  
(ALPHABETS)

1. Name

R R DWIVEDI

2. Whether Male/Female (M/F)

M

3. Date of birth (DD/MM/YYYY)

06

05

1944

4 (i) Date of appointment in the present post

08

08

1988

(ii) Date of joining in the Present Post:

a.) In the present vidyalaya

14

11

2000

b.) In the present station

14

11

2000

5. Details of last posting (in codes)

Reason 2

Year 2000

KV 1678

Station 369

6. Choice KVs / Stations (To be filled in for either of the two & not both)

i) KVs

1681

1683

1682

1678

1684

OR

ii) Stations

[ ] [ ] [ ]

[ ] [ ] [ ]

[ ] [ ] [ ]

[ ] [ ] [ ]

[ ] [ ] [ ]

I hereby declare that the particulars given above are true to the best of my knowledge and belief. I shall be liable for disciplinary action for any incorrect information furnished by me.

Place: Kokrajhar (Assam)

Date: 8/1/2003

*Ranjana*  
Signature of the applicant

Certified that the particulars given above are verified with the relevant records and found correct.

Place: S. V. KOKRAJHAR

Date: 08/01/2003

*Rajna*  
Signature of the Principal

Name: RANJAN K. SINGH

Date & Seal

Principal  
Kendriya Vidyalaya

To be counter signed by Assistant Commissioner

Signature

Name

Date & seal

Kokrajhar/Assam

PIN-783370

Note: The following employees are not eligible to apply for transfer:

- Staff transferred on administrative grounds before completing 05 years of stay at the transferred station.
- Direct recruits and promotees before completing stay of 03 years for males and 01 year for females, respectively at the place of posting.

Certified to be true Copy

Advocate

Ref. No. FB/KVK/2002-03/8-1-2003

No. F. 10-3/2002/KVS/GR/21157-95 dated 13.12.2003  
A no. of movement of upto 31-3-2006

Ref No F. 8/Transfer/KVK/2003-04/310 <sup>Personal copy.</sup> ANNEX NO. 8  
date 1-10/7/2003.

- 46 -

R. R. DWIVEDI W. E. T.

K. V. KOKRAJHAR.

Date: 08/7/2003

To,

The Commissioner,  
KVS HQ. Qtr. New Delhi-16

Sub: TRANSFER ON SUPERANNUATION.

Sir,

I have the honour to request you that I have applied for request transfer on superannuation vide your letter No. reference No. (a) S.F. 1-1/2003-04/ KVS (ESTT-11) dated 14.8.02 and (b) F-1-1-2003-04 (OLT) KVS (ESTT-11)/dated 5-12-2002, for the year 2003-2004, for final settlement of self and my family. Though, the transfer policy was extended to consider the cases for transfer, who has less than three year to retire, yet my name is not included for transfer, when I have <sup>only</sup> 10 (ten) months to retire i.e. on 31.6.2004.

I am facing acute health problem, suffering from lumbar spondylolysis due to that I am unable to walk smoothly. I have to arrange marriages of my three grown up daughters and construction of dwelling place which I donot possessed so far.

Therefore, considering my problems in this declined age, I would like to request you to consider my <sup>case</sup> in due priority. So that I can retire peacefully from service.

Thanking you sir.

Yours faithfully,

Date: 8th July, 2003.

*R.R. Dwivedi*  
( R. R. Dwivedi )  
W. E. T.

Enclosures:-

1. Application of transfer. dated 8/4/2003

2. Xerox copy Medical certificate.

Certified to be  
true Copy



केन्द्रीय विद्यालय कोकराझार  
Kendriya Vidyalaya Kokrajhar

ASSAM - 783 370

Ref. No. : F.8/Transfer/KVK/2003-04/350

Date : 10/8/2003

To

The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Regional Office Guwahati,  
Guwahati-12.

Subject:- TRANSFER ON SUPERANNUATION.

Sir,

Please find enclosed herewith an application in duplicate received from Sri R.R.Dwivedi on the subject cited above. His application for transfer was forwarded by this office vide letter No.F.8/KVK/2002-03/405 dt.24.09.2002.

As per service book the date of births of his daughters are as following:-

1. Miss Anupama Dwivedi	21.5.70.	Married.
2. Miss Peenam Dwivedi.	06.12.74	Unmarried.
3. Miss Reena Dwivedi.	03.06.79	Unmarried.
4. Miss Ranjana Dwivedi.	28.7.83	Unmarried.

This is forwarded to you for your needful please.

Thanking you.

Yours faithfully,

*Rajen*  
PRINCIPAL.

Encl:

1. Application of transfer 2 copys.
2. Xerox copy Medical certificate.

Certified to be

Copy

*[Signature]*  
Advocate

*Received  
on 21/11/03  
CJ. 11 AM*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

O.A. No. 170/08

Sri R.R. Drivedi

.... Applicant.

- Vs. -

Union of India & Ors.

.... Respondents.

IN THE MATTER OF :

Written Statement filed by the  
Respondents;

- AND -

IN THE MATTER OF :

The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Guwahati, Region, Maligaon,  
Guwahati - 781012.

.... ~~RESPONDENTS~~

.... Deponent.

The humble written statement on behalf of  
the Respondents No. 1 to 3 is as follows :-

- 1) That I, Sri S.S. Sehrawat, the  
Assistant Commissioner of Guwahati Region being  
served with the copy of the Original Application.  
I have gone through the contents thereof. I am  
competent to submit this written statement on

Certified to be

Copy

*[Signature]*  
Advocate

certd.... p/n.

being supplied with paravise comment from the Head Quarters, on behalf of the Respondents, they being Official Respondents. I am fully acquainted with facts and circumstances of the case.

2) That the deponent states the ~~any~~ allegations/averments which is not borne out by records are denied and not admitted. Any averments/allegation which is not specifically admitted hereinafter is deemed to be denied.

3) That the deponent states that before controverting the contents of the paras made in the Original Application it is pertinent to apprise that K.V.3. is a registered society under the Societies Registration Act XII of 1860 and fully financed by the Govt. of India with the objective of (i) to meet the educational need of children of transferable Central Govt. employees including defence personnel by providing a common programme of education (ii) to develop Vidyalaya as a model school in the context of National goal of Indian Education, (iii) to initiate/promote experimentation in the field of education in collaboration with other bodies like CBSE, NCERT etc. and (iv) to promote national integration.

Contd.... P/3.

Further brief facts of the case may be narrated as below :-

3-A) Kendriya Vidyalaya Sangathan invites request transfer applications from the candidates every year. In response to that every eligible candidates may apply in the prescribed proforma through the Principal and Regional Officer. All these applications are processed and prioritized as per the entitlements points through computer. The priority position so prepared is displayed in the web-site to make the transfer system transparent. The transfers are effected based on the priority position and vacancies available at the time of effecting transfer as per KVS transfer guidelines in force.

✓ 3-B) As per Para 5(I) of KVS transfer guidelines a teacher is liable to be transferred on administrative ground on the recommendation of the Principal and Chairman of the Vidyalaya Management Committee of the Vidyalaya and teacher transferred so will not be considered for transfer without completing five years stay at the station to which he/she was so posted. Moreover, they cannot seek transfer to the same station from where he was transferred on administrative ground as per amended clause 18(d) (ii) of KVS transfer guidelines.

contd.... D/42

✓ 3-C) In the instant case Shri R.R. Dwivedi, WSI was transferred on administrative grounds in public interest from KV Kanpur to KV Kokrajhar in Oct./2000 on the recommendation of his controlling authorities at Vidyalaya and Regional Office, level who are authorised to supervise his day to day work. As such he will only be eligible for transfer to his choice place other than that from where he was transferred on administrative ground after completing five years of stay at the present station.

✓ 3-D) As per the amended provision of Clause 7 of KVS transfer guidelines the transfers sought on account of death of spouse within a period of 2 years of death, medical grounds as per Para 9 and employees who have less 3 years to retire will be placed on bloc higher in the above sequence than the others listed in para- 8 of these guidelines. However, the said benefit LTR (Less than three years to retire) will be granted to all their choice stations, except the station from where they been displaced during the last one year (i.e. 1.4.2002). Other conditions as applicable for preferring request transfers shall remain unchanged i.e. the applications in respect of the following categories are not to be forwarded for seeking



benefit under this amendment.

- a) Staff transferred on administrative grounds before completing 05 years of stay at the transferred station.
- b) Direct recruits and promotees before completing stay of 05 years for males and 01 year for females, respectively at the place of posting.

Aggrieved by such action the Applicant Shri R.R. Dwivedi, WEF, KV Kokrajhar has filed O.A. No. - 170/2003 in CAT Guwahati for his transfer to Kanpur station only on LTR ground.

4) That the deponent states that with regard to statements made in para 4.1 to 4.4 are matters of record and the deponent does not forward any comment.

5) That the deponent submits that with regard to statements made in para 4.5 it is the education code and the particular provision of transfer of the employees which is followed by the authority. In the instant case it is informed that as per Article 34(k) of Education code, which is a documentary text, for governance of Kendriya Vidyalaya, the services of KVS are

contd..... p/6.

liable to be transferred to any Kendriya Vidyalaya of the Sangathan at any time on short notice on organizational reasons, administrative exigencies. Also as held by Apex court that the individual's personal inconveniences have got little importance over administrative exigencies and public interest particularly in the matter of transfer/posting. The personal problems expressed by the applicant should not come on the way of service conditions and public.

6) That the deponent submits that with regard to statements made in para 4.6 and 4.7 it is submitted that KVS being an autonomous organization is having its own transfer policy, duly approved by BOC which is an apex body to frame and approve the policies of Sangathan. However, the instruction of Govt. of India issued in the matter from time to time is also followed subject to availability of vacancies and administrative constraints.

7) That the deponent states that with regard to the statements made in para 4.8 and 4.9 it is stated that, it is a matter of record that the respondent authority circulated the invitation of fresh application for annual request transfer under reference No. -

contd.... p/7.

under reference No. - F. 1-1/2003-04/KVS(Estt.)  
-(iii) dated 14.8.2002 which is being duly  
annexed by the applicant as Annexure - V  
containing to page No. 21 to 39 of the Original  
application. In the said circular it has been  
expressly made clear that all are eligible for  
apply except those covered by clause 18(d) of  
the existing transfer guideline and in the  
instant case. The applicant is debarred from  
submitting application as he has been transferred  
to Kokrajhar as Administrative ground.

The deponent further states that  
the other contention of the applicant are matter  
of record and as such the deponent does not  
forward any comment.

8) That with regard to the statements  
made in the para 4.10, 4.11 and 4.12 it is  
stated that all the request transfer under  
L.T.R. category was considered by the respondent  
authority in terms of the prevailing facts and  
circumstances of the case as well as the K.V.S.  
transfer guide line in force and approved those  
which are feasible.

However, in the instant case applicant  
being due to RETIRE on 31-3-2004 had also

contd.... p/8.

submitted his application despite the fact of ineligibility, none the less his application for transfer under L.T.R. Category was considered but his request could not be materialised moreover it is relevant to mention applicant was transferred in October, 2000 from Kanpur to Kokrajhar on Administrative ground in public interest in terms of para 5(1) of KVS Transfer Guide Line and he is not eligible for request transfer without completion of 3 years of stay at the station to which he was so posted i.e., Kokrajhar in terms of para 18(d)(11) of KVS Transfer Guide lines.

9) That with regard to the grounds set forth in support of the reason of aggrievement and cause of illegality of the applicant and by the respondent respectively are not good grounds in the facts and circumstances stated above while controverting the averments and allegations by the deponent.

Further, the deponent submits that in so far the relief sought are not based on any precent caused and as such this Hon'ble Tribunal may be pleased to discuss the application.

In my view of the matter it appears that there is no merit which require any further Judicial review and the application is liable to be dismissed with cost.

contd..... Verification.

O.A. No. 170/2003

56 ANNEXURE NO. 11

Date of Order : This the 21st day of November, 2003.

THE HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE CHAIRMAN.  
THE HON'BLE SRI S.K. NAIK, ADMINISTRATIVE MEMBER.

Sri Raja Ram Dwivedi,  
S/O Late G.P. Dwivedi,  
R/Vill, Mawaiya,  
P.O. Harjindarnagar,  
Dist. Kanpur Nagar,  
PIN. 208 007.  
Uttar Pradesh.

. . . Applicant.

By Mr. I. Hussain.

- Versus -

1. The Union of India, through the Secretary  
Ministry of Human Resources Deptt.,  
(Deptt. of Education),  
Sastri Bhaban, New Delhi - 110 001.
2. The Commissioner,  
Kendriya Vidyalaya, Sangathan,  
18, Sahid Jeet Singh Marg,  
New Delhi - 110 006.
3. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Guwahati Region, Maligaon Chariali,  
Guwahati.

. . . Respondents.

By Advocate Mr. M.K. Mazumdar.

ORDERSMT. LAKSHMI SWAMINATHAN ( V.C. ) :

In this application, the applicant is aggrieved that the respondents are not giving him a transfer to his home town i.e., Kanpur or to any other place around that city. According to the applicant he is retiring from service with effect from 31.5.2004 and has already completed three years in his transferred place at Kokrajhar, State of Assam.

Certified to be  
true Copy

Contd...2

Advocate

2. Mr. I. Hussain, learned counsel for the applicant has submitted that the applicant's request for transfer should be <sup>considered</sup> in accordance with the transfer policy/guidelines issued by the respondents <sup>himself</sup>. He has submitted that the <sup>applicant</sup> has less than one year to retire on superannuation. Therefore, he ought to have been considered for transfer to Kanpur or any other places in and around, in the State of U.P. In this regard, learned counsel for applicant has brought to our attention the fact that the applicant has submitted several representations, latest being one on 8.7.2003 (Annexure-7). He has submitted that no reply has been given by the respondents and thereafter, the O.A. has been filed on 8.8.2003.

3. In the reply affidavit filed by the respondents, they have submitted that the applicant has been transferred as per para 5 (I) of KVS Transfer Guidelines, on the recommendations of the Principal and Chairman of the Vidyalaya on administrative ground in public interest. Mr. M.K. Mazumdar, learned counsel for the respondents has pointed out that as per the letter issued by the respondents dated 14.8.2002 under serial No. 5, the reason for transfer of the applicant falls under code No. 3 and not code No.2 as indicated by the applicant in his application, (Copy placed at pages 34 and 40 of the paper Book). Learned counsel has, therefore, submitted that the Principal of KVS had apparently, wrongly forwarded applicant's representation for consideration by the higher authority, on the basis of <sup>the</sup> ~~applicant's~~ facts given in applicant's representation. According to him, as the applicant has been transferred to Kokrajhar on administrative grounds, as per the aforesaid letter dated 14.08.2002, he is not entitled to be considered for request transfer/posting without completion of 5 years of stay at the station to which he was so posted i.e., Kokrajhar in terms of para 18 (d) (ii) of KVS Transfer Guidelines.



Contd...3

4. We have carefully considered the facts and submissions made by learned counsel for the parties.

5. It is relevant to note that the applicant has not annexed the transfer order issued by the respondents transferring him from Kanpur to Kokrajhar. In the circumstances of the case, we are not in a position to state categorically what was the decision taken by the competent authority or the reason for transfer; in other words, whether claim of the applicant that he was transferred for the reason indicated by him under code No.2 or as contended by the respondents that it was for the reason under code No. 3 of the letter dated 14.8.2002. In any case, the respondents ought to have given a detailed reply to the applicant, indicating the reasons, <sup>reflecting</sup> ~~to~~ his request for transfer to Kanpur or near by places, which apparently <sup>not</sup> they have done. It is also relevant to note that as stated by the applicant, he has completed three years tenure after transfer at Kokrajhar and he is retiring on superannuation from service w.e.f. 31.5.2004.

6. In the above facts and circumstances of the case, we consider it appropriate to dispose of the O.A. with the following directions :-

1) The respondents shall pass a reasoned and speaking order on the aforesaid representation given by the applicant dated 8.7.2003, taking into account also the grounds taken by the applicant in the O.A. They shall pass a reasoned and speaking order in accordance with law, relevant Rules and instructions within two weeks from the date of receipt of a copy of this order, with intimation to the applicant.

~~No order as to costs - B.~~

Verified to be true Copy

प्रमाणित प्रतिलिपि

Sd/ VICE-CHAIRMAN

Sd/ MEMBER (A)

Section Officer (J)  
C.A.T. GUWAHATI BANCH  
Guwahati-781005

21/12/2003

- 59 -

72

SPEED POST

ANNEXURE NO. 12

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

F.NO.19-306(4)/2003-KVS(L&C)

DATED: 5/11/04

MEMORANDUM

Whereas Shri Raja Ram Dwivedi, WET, KV Kokrajhar filed a case vide OA No.170/2003 in the Hon'ble CAT, Guwahati seeking request transfer to his home town i.e. any KV at Kanpur.

Whereas the Hon'ble CAT, Guwahati has heard the case on 21.11.2003 and passed the following directions:-

"The respondents shall pass a reasoned and speaking order on the aforesaid representation given by the applicant dated 8.7.2003 taking into account also the grounds taken by the applicant in the OA. They shall pass a reasoned and speaking order in accordance with law, relevant rules and instructions within two weeks from the date of receipt of a copy of this order, with intimation to the applicant".

Whereas Shri RR Dwivedi, WET submitted the application dated 8.7.2003 and raised the following issues:

1. that he had applied for request transfer on superannuation for the year 2003-04, for final settlement of self and his family.
2. that though the transfer policy was extended to consider the cases for transfer who has less then three year to retire, his name was not included for transfer, when he had only ten months to retire.
3. that he is facing acute health problem, as he is suffering from Lumber spondylitis due to which he is unable to work smoothly.
4. that he has to arrange marriages of his three grown up daughters and construction of dwelling place which he didn't possessed so far.

His representations dated 8.7.2003 has been considered carefully by the competent authority and the following observations have been made:-

1. that as per the amended provision of Clause 7 of KVS transfer guidelines the transfers sought on account of death of spouse within a period of 2 years, of death, medical grounds as per Para 9 and employees who have less than 3 years to retire will be placed en bloc higher in the above sequence than the others listed in para 8 of these guidelines. However, the said benefit LTR (Less than three years to retire) will be granted to all their choice stations, except the station from where they have been displaced during the last one year (i.e. 1.4.2002). subject to want of clear vacancy as well as availability of eligible person for displacement in terms of Para 10(1) of the KVS transfer guidelines.
2. that all the requests of annual transfer under LTR category were considered by the respondent organization in terms of prevailing facts and circumstances of the case as well as the KVS transfer guidelines in force. The dominant consideration in effecting transfers will be administrative exigencies/grounds and organizational reasons including the need to maintain continuity uninterrupted academic schedule and quality of teaching and to that extent no individual interest/request shall be subservient. Transfers cannot be claimed as matter of right by those making requests nor do these transfer guidelines intend to confer any such right.

Certified to be  
true Copy

Contd..p/2

Advocate

Received on 20/11/04 at 1020 HRS.



3. that in the instant case of applicant being due to retire on 31.5.2004, he submitted his application for transfer under LTR category with choice station Kanpur only which was also considered alongwith all other applicants but his request could not be materialized for want of clear vacancy of WET as well as due to non availability of eligible person for displacement in terms of Para 10(1) of the KVS transfer guidelines at the time of considering request transfer under LTR category. Moreover, he was transferred from Kanpur to Kokrajhar in Oct.2000 on administrative ground as such he was not eligible to be transferred on request to Kanpur as per KVS transfer guidelines.

4. that as per Article 54(k) of Education code, which is a documentary text, for governance of Kendriya Vidyalaya, the services of KVS employees are liable to be transferred to any Kendriya Vidyalaya of the Sangathan at any time on short notice on organizational reasons, administrative exigencies. Also as held by Apex court that the individual's personal inconveniences have got little importance over administrative exigencies and public interest particularly in the matter of transfer/posting. The personal problems expressed by the applicant should not come in the way of service conditions and public interest.

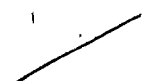
Having considered all the facts and circumstances of the case sympathetically and carefully the undersigned rejects the request of the applicant to consider his transfer at his home town. Thus the representation-dated 8.7.2003 is disposed of in compliance of the Hon'ble CAT, Guwahati directions dated 21.11.2003 given in OA No.170/2003.

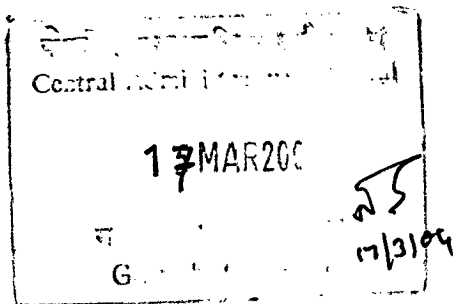
  
(H.M. CAIRAE)  
COMMISSIONER

✓ Shri RR Dwivedi  
WFT  
KV Kokrajhar

Copy to:

1. The AC, KVS(RO)Guwahati with a request to apprise the Hon'ble CAT accordingly.
2. The Principal, KV Kokrajhar.
3. Guard file.

  
(P. DEVASENA)  
EDUCATION OFFICER



61

24

Filed by the Respondents  
Through M.K. Majumdar  
Advocate  
S.C. K.V. Saengulhan  
17/11/2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

O.A. No. 24/2004

Sri R.R. Drivedi

.... Applicant.

- Versus -

Union of India & Ors.

.... Respondents.

IN THE MATTER OF :

Written Statement filed by the  
Respondents.

- AND -

IN THE MATTER OF :

The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Guwahati Region, Maligaon,  
Guwahati - 781012.

.... Deponent.

The humble written statement on behalf of the  
Respondents No. 1 to 3 is as follows :-

1) That, I Sri S.S. Sehrawat, the Assistant  
Commissioner of Guwahati Region being served with  
the copy of the Original Application. I have  
gone through the contents thereof. I am

contd.... p/2.

- 2 -

competant to submit this Written Statement on being supplied with parawise comment from the Head Quarters, on behalf of the Respondents, they being official Respondents. I am fully acquainted with facts and circumstances of the case.

2) That the deponent states ~~that~~ the allegations/averments which is not borne ~~h~~ out by records are denied and not admitted. Any averments/allegation which is not specifically admitted hereinafter is deemed to be denied.

3) That the deponent states that before controverting the contents of the paras made in the Original Application it is pertinent to apprise that K.V.S. is a registered society under the Societies Registration Act XXI of 1860 and fully financed by the Govt. of India with the objective of (i) to meet the educational need of children of transferable Central Govt. employees including defence personnel by providing a common programme of education (ii) to develop Vidyalaya as a model school in the context of National goal of Indian Education, (iii) to initiate/promote experimentation in the field

contd.... p/3.

of education in collaboration with other bodies like CBSC, NCERT etc. and (iv) to promote national integration.

Further brief facts of the case may be narrated as below :-

3-A) Kendriya Vidyalaya Sangathan invites request transfer applications from the candidates every year. In response to that every eligible candidates may apply in the prescribed proforma through the Principal and Regional Officer. All these applications are processed and prioritized as per the entitlements points through computer. The priority position so prepared is displayed in the web-site to make the transfer system transparent. The transfers are effected based on the priority position and vacancies available at the time of effecting transfer as per KVS transfer guidelines in force.

3-B) As per Para 5(I) of KVS transfer guidelines a teacher is liable to be transferred on administrative ground/exigency on the recommendation of the Principal and Chairman of the Vidyalaya Management Committee of the Vidyalaya and teacher transferred so will not be considered for transfer without completing five years stay at the station

contd.... p/4.

to which he/she was so posted. Moreso, they cannot seek transfer to the same station from where he was transferred on administrative ground as per amended clause 18(d)(ii) of KVS transfer guidelines.

3-C) In the instant case Shri R.R. Drivedi, WST was transferred on administrative grounds/ exigency in public interest from KV Kanpur to KV Kokrajhar in Oct./2000 on the recommendation of his controlling authorities at Vidyalaya and Regional Office, level who are authorised to supervise his day to day work. As such he will only be eligible for transfer to his choice place other than that from where he was transferred on administrative ground/exigency after completing five years of stay at the present station.

3-D) As per the amended provision of Clause- 7 of KVS transfer guidelines the transfers sought on account of death of spouse within a period of 2 years of death, medical grounds as per Para 9 and employees who have less 3 years to retire will be placed on bloc higher in the above sequence than the others listed in para 8 of these guidelines. However, the said benefit

contd.... p/5.

LTR (Less than three years to retire) will be granted to all their choice stations, except the station from where they been displaced during the last one year ~~XXX~~ (i.e. 1.4.2002). Other conditions as applicable for preferring request transfers shall remain unchanged i.e. the applications in respect of the following categories are not to be forwarded for seeking benefit under this amendment.

- a) Staff transferred on administrative grounds/ exigency before completing 05 years of stay at the transferred station.
- b) Direct recruits and promotees before completing stay of 03 years for males and 01 year for females, respectively at the place of posting.

Aggrieved by such action the Applicant Shri R.R. Dwivedi, WET, KV Kokhrajhar has filed P.A. No. /200 in CAT Guwahati for his transfer to Kanpur station only on LTR ground.

3-E) The Hon'ble Tribunal while disposing the said P.A. directed the Respondent to pass reasoned order on the representation and the Authority accordingly passed order scrutinising

the grounds of claim on 5.1.04.

However the Applicant is found to be not satisfied with the order and filed the present O.A.

The answering deponent submits that the applicant have reiterated the same facts and grounds in the present O.A. as it was in O.A. No. 170/2003. In this regard the deponent craves leave of this Tribunal to rely on the reply filed in the O.A. No. 170/03 and reiterate the same.

It is further stated that while disposing the representation the authority took a fresh reevaluation and from record it appeared that the transfer sought was on administrative ground/ exigency and the ~~xx~~ request of the Applicant was considered along with other LTR application. As such there is no scope left for any reconsideration.

4) That with regard to the grounds set forth in support of the reason of aggrievness and cause of illegality of the applicant and by the respondent respectively are not good grounds in the facts and circumstances stated above while controverting the averments and allegations by the deponent.

Further, the deponent submits that in

contd.... p/7.

- 7 -

so far the relief sought are not based on any  
prodent caused and as such this Hon'ble Tribunal  
may be pleased to discuss the application.

In any view of the matter it appears  
that there is no merit which require any further  
Judicial review and the application is liable  
to be dismissed with cost.

✓ VERIFICATION



VERIFICATION

I, Sunder Singh Sehrawat, S/o Shri Harish Chander, Age about 53 years, presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region, Maligaon Chariali, Guwahati-12 do hereby verify that the statement made in paragraphs 1, 2, 3, 4 are true to my knowledge and those made in paragraphs 3 & are based on records.

And I sign this verification on this the 17th day of 2004 at  
Guwahati

Place:

*Sunder Singh Sehrawat*  
DEPONENT

Date : 17th March 04