

FORM NO. 3.
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. _____
Misc. Petition No. _____
Contempt Petition No. 2/2006 in O.A. 212/05
Review Application No. _____

Applicant(s) Sheesh Pal Singh
Respondent(s) Ranglal Jamuda

Advocate for the Applicants V.K. Chopra, Mr. M.P. Sauma
Mr. S.K. Singh Ms. R. Jorhi

Advocate for the Respondent(s) _____

✓ CGSC

Adv. St. Counsel

Notes of the Registry Date _____
Order of the Tribunal

This Contempt petition
has been filed by the
counsel for the petitioner
and praying for non-compliance
of order dated 19.8.2005
passed by this Hon'ble Tribunal
in O.A. 212/2005.

17.1.06 Present: The Hon'ble Sri K.V. Sachidan-
dan, Vice-Chairman.

Mr. M.K. Mazumdar, Standing counsel
for the KVS took notice and submits that
he would like to get instruction.
Post on 20.2.2006.

Vice-Chairman

bb

Laid before the
Hon'ble Court for further
orders.

20.02.2006

Post on 28.02.2006.

Vice-Chairman

mb

28.2.06

Mr. G. Baishya, learned Sr. C.G.S.

C. requests for further time to file
reply statement. Let it be done. Post
on 12.4.2006.

Vice-Chairman

Notice & order sent to
resp. At by speed post

with A/D. D/No-126

Dt-27/1/06

Contd.....

XXXX C.P.2/06(O.A.212/05)

28.2.2006 post before the next Division Bench
on 8.3.2006.

Notice duly served.

CP
10/2/06

Vice-Chairman

bb

Service Co. p.led.

8.3.2006

Heard learned counsel for the parties. Order passed, kept in separate sheets.

The C.P. is closed in terms of the order.

Vice-Chairman(J)

Vice-Chairman(A)

bb

No reply filed.

by
17/2/06

No reply has been
b'ies

27.2.06

22.3.06

Copy of the Budget
has been sent to the
Office for issuing
the same to the applicant
as well as to the
Contemner.

24/3

22

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Contempt Petition No. 2 of 2006
In Original Application No.212 of 2005

Date of Order: This is the 8th March 2006.

THE HON'BLE SHRI B.N.SOM, VICE CHAIRMAN (A).

THE HON'BLE SHRI K.V.SACHIDANANDAN, VICE CHAIRMAN (J).

Sri Sheesh Pal Singh
Superintendent
Kendriya Vidyalaya Sangathan
Regional Office, Guwahati

..... Petitioner.

By Advocates S/Shri V.K.Chopra, M.P.Sarma S.K.Singh &
Ms.R.Joshi.

- Versus -

1. Shri Ranglal Jamuda
Commissioner
Kendriya Vidyalaya Sangathan
Shaheedjeet Singh Marg
New Delhi - 16.

..... Respondent/Contemner.

By Mr.M.K.Mazumdar, Standing counsel.

.....
O R D E R (ORAL)


SACHIDANANDAN, K.V. (V.C.) :

This Contempt Petition has been filed by the applicant in O.A.212/2005 for non-compliance of the orders of the Tribunal dated 19.8.2005. This Tribunal by the said order directed the 2nd respondent "to consider the said representations and to pass appropriate orders in accordance with law within a period of two months from the date of receipt of this order." The applicant has produced Annexure-III order wherein the respondents have given a

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reply to the applicant. The contention of the respondents is that orders of the Tribunal has already been complied with. Mr.M.K.Mazumdar, learned Standing counsel for the KVS submits that his applications for transfer to KVS HQ/KVS RO Delhi were considered at the time of annual transfer of Group A & B officers of KVS during 2004 & 2005 and further also on the direction of the Tribunal. In Annexure-III order the second respondent has categorically stated "*Since there is no vacancy of Supdt. at the place of his choice i.e. Delhi it is not possible to accede to his request.*"

2. The contention of the applicant is that this order is in patent violation of the orders of the Tribunal since the order was not passed in accordance with rules that are governing the subject particularly Clause 10(2) of the guidelines of the KVS which says that the junior most has to be transferred. The case of the applicant is that in Delhi there are employees who are still continuing there for more than 10 years and therefore, he has got a better priority of transfer. On the reading of the Annexure-III order we find that the directions of this Tribunal was to dispose of the representations and not for displacement of the junior person who is working there as such. A person probably may be working in an exceptional circumstances/capacity in a particular station for long which is not the subject matter in this Contempt Petition. The Hon'ble Supreme Court had declared that if there is substantial compliance of the order of the Court, contempt will not stand. Therefore, we are of the view that



Annexure-III order dated 21.10.2005 is in substantial compliance of the order of this Tribunal dated 19.8.2005 and the Contempt Petition will not stand and liable to be closed. Therefore, the C.P. stands closed/dismissed.

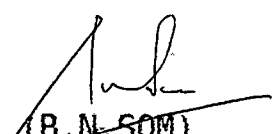
3. However, the respondents have filed reply affidavit in which they have categorically stated "the answering deponent has not ruled out the possibility of the petitioner's case being considered in accordance with the policy of KVS for all times to come. In fact, even now, the petitioner's case is being considered by the answering deponent for transfer as per the transfer policy of KVS and in the near future, that is from the new academic session, a decision will be taken along with annual transfers of all group A & B officers".

4. Taking the statement into confidence, without prejudice to the above order of dismissal, liberty is given to the applicant to make further representation to the concerned respondent pointing out the vacancy if available in which case respondents will consider such claim and pass appropriate orders.

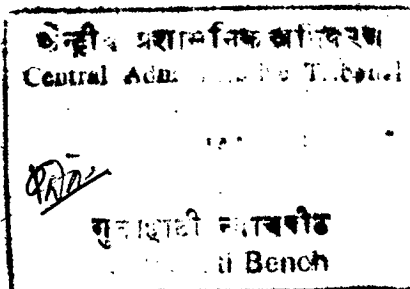
The Contempt Petition is accordingly closed. The notice, if any, is discharged.



(K.V. SACHIDANANDAN)
VICE-CHAIRMAN (J)



(B.N. SOM)
VICE-CHAIRMAN (A)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH,
GUWAHATI

Original Contempt Jurisdiction

Contempt Petition No. 2 /2006

Filed by

Sheesh Pal Singh

Advocate

12/11/2006

IN THE MATTER OF :

An Application Under Section 17 of
the Administrative Tribunals Act
for contempt of Court.

AND

IN THE MATTER OF :

Non Compliance of Order dated
19/8/2005 passed in T.S. O.A.
Case No. 212/2005 by the Hon'ble
Central Administrative Tribunal,
Guwahati Bench

AND

IN THE MATTER OF :

SRI SHEESH PAL SINGH
Superintendent,
Kendriya Vidyalaya Sangathan
Regional Office, Guwahati
-Petitioner

Versus -

Shri Ranglal Jamuda,
Commissioner, Kendriya Vidyalaya
Sangathan,
Shaheedjeet Singh Marg
New Delhi - 16.

Respondent/Contemnor

Sheetal Singh 32

The humble Petition of the Petitioner abovenamed
MOST RESPECTFULLY SHEWETH:-

- 1) That the Petitioner has been working as Superintendent in Regional Office, Kendriya Vidyalaya Sangathan, Khanapara, Guwahati since 22/8/2000.
- 2) That as the Petitioner was entitled to be transferred to his choice place of posting under the transfer policy of department, he applied for his transfer from Guwahati to Delhi. Since the prayer of the petitioner was not considered, he approached this Hon'ble Tribunal vide T. S. O.A. No. 212/2005 for a direction to the Respondent authorities for his transfer from Guwahati to Delhi.
- 3) That thereafter, upon hearing the counsel for the Petitioner as well as the Respondents the Hon'ble Tribunal on 19/8/2005 passed order directing the Respondent No. 2 to consider the representation of the Petitioner regarding his transfer from Guwahati to Delhi and to pass appropriate order in accordance with law within a period of 2 (two) months from the receipt of the said order.

A copy of the Order dt. 19/8/2005 is annexed as Annexure - I

- 4) That the petitioner thereafter on 24/8/2005 submitted the copy of the Order dated 19/8/2005 passed in the Title Suit O.A. No. 212/2005 through registered post to Respondents and the Respondents received the copy of the said order dated 19/8/2005 passed by this Hon'ble Tribunal.

A copy of the letter dt. 24/8/2005 with postal receipt is annexed as Annexure II.

- 5) That the Petitioner stated that after receipt of the copy of the order the Respondent /Contemnor without looking the provisions of transfer policy vide its Order dated 21/10/2005 rejected the representation of the Petitioner in a very mechanical manner, showing the ground that there is

Shashi Patel Singh

no vacancy of the Superintendent at the place of his choice of posting of the Petitioner i.e. in Delhi.

A copy of Order dated 21/10/2005 is annexed as Annexure III

6) That thereafter on 25/11/2005 the Petitioner through his advocate issued a pleader's Notice requesting the Respondent to dispose of the representation of the petitioner afresh keeping in view of the provisions of Clause No. 10(2) and 19 of the Transfer Guidelines but the Respondent has not taken any steps in this regard till date.

A copy of the pleader's Notice dated 25/11/2005 is annexed as Annexure IV.

7) That the Petitioner states that the Respondents Authorities framed policy of transfer of its teaching and non-teaching staff of Kendriya Vidyalaya Sangathan and to this effect a transfer guidelines was also published by the Respondent Authorities on w.e.f. 19.1.2005. And as the petitioner has completed his 5 years continuous stay at North-East, he becomes entitled to be transfer to his choice place of posting as provided in under clause No. 10(2) and the 19 of the transfer guidelines. The petitioner states that the guidelines further clarifies that if there is no any vacancy at his choice, the vacancy should be created by transferring the junior most staff.

A copy of relevant page of transfer guidelines is annexed as Annexure V.

8) That the petitioner states that the present Respondent Authority while passing order did not comply with the direction of this Hon'ble Court and by overlooking the transfer policy of the departments i.e. the policy, the Respondent No. 2 rejected the prayer of the petitioner and thereby violated the lawful order/direction of this Hon'ble Tribunal and as such the Respondent is liable to be prosecuted for contempt of court.

9) That the Petitioner states that by not disposing the representation of the Petitioner in accordance with law/policy as per Order of the Hon'ble Tribunal the Respondent/Contemnor committed offence of contempt of Court and as such the respondent is liable to be prosecuted for contempt of Court.

Shreshth Singh 34

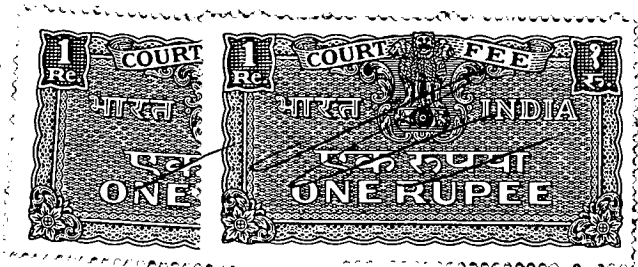
- 10) That the petition is made bonafide and in the interest of justice.

In the premises aforesaid it is prayed that Your Lordship's may be pleased to issue notice to the Respondent/contemnor and after hearing the parties be pleased to punish the contemnor in accordance with law and/or pass any other order as your Lordships may deem fit and proper.

And for this act of kindness, your petitioner as duty bound shall ever pray.

DRAFT CHARGE

Whereas Shri Ranglal Jamuda, Commissioner, Kendriya Vidyalaya Sangathan, Shaheedjeet Singh Marg, New Delhi, has willfully and deliberately violated the order dated 19.08.2005 passed in O.A. No. 212/2005 by this Tribunal and as such, he is liable to be punished invoking the power under Section 17 of the Administrative Tribunals Act 1985 read with provision under Administrative Tribunals (Contempt of Courts) Rules 1992 as well as the provisions of Contempt of Courts Act 1971.



- 5 -

AFFIDAVIT

I, SHEESH PAL SINGH age about 52 years, Son of Late Shri Devi Shah presently working as Superintendent Kendriya Vidyalaya Sangathan, Regional Office Guwahati, do hereby solemnly affirm and state as follows:

- 1) That I am the Petitioner in this case and as such I am fully conversant with the facts and circumstances of this case.
- 2) That the statement made in paragraphs 1, 2, 4, 6, 8, 9 & 10 are true to my knowledge and the statement made in paragraphs 3, 5, 7 are the matter of records / information which I believe to be true and rest are my humble submission before this Hon'ble Tribunal. The annexure are true copies of the original.

And I sign this Affidavit on this 6th day of January 2006, at Guwahati.

Identified by
Sushil Ku-Singh
Advocate

Sheesh Pal Singh

DEPONENT

Solemnly affirmed by the deponent who is identified by Shri Sushil Kumar Singh Advocate on 6-1-2006 at Guwahati.



6.1.06

MAGISTRATE : GUWAHATI

~~XXXX XXXX~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 212 of 2005

Date of Decision : This the 19th day of August 2005.

The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

Sri Sheesh Pal Singh
Superintendent,
Kendriya Vidyalaya Sangathan
Regional Office, Guwahati.

... Applicant

By Advocates : Mr. V.K. Chopra, Mr. M.P. Sarma,
Mr. S.K. Singh and Ms. R. Johi

- Versus -

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Human Resource Development Department
Shastri Bhawan, New Delhi - 1.



2. The Commissioner,
Kendriya Vidyalaya Sangathan
Shaheedjeet Singh Marg,
New Delhi - 16.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Guwahati, Khanapara, (Assam).

... Respondents

By Mr. M.K. Mazumdar, S.C., KVS and Mr. K. Upadhyaya, Advocate

certified to be true copy
[Signature] [Date]

19/8/05

(8)

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2

ORDER (ORAL)

SIVARAJAN. I. (V.C.)

The applicant is working as a Superintendent in Kendriya Vidyalaya Sangathan, Regional Office, Guwahati. He belongs to Delhi. After completion of three years tenure in the North Eastern Region in the year 2003, the applicant by representation dated 29.09.2004 applied for transfer from Kendriya Vidyalaya Regional Office, Guwahati to Kendriya Vidyalaya (Hqrs), Regional Office, New Delhi to look after his ailing wife and to arrange the marriage of his daughter at Delhi. It is the grievance of the applicant that in spite of several reminders, the latest one being 14.07.2005 no action has taken on such representations.

I have heard Mr. V.K. Chopra, learned counsel for the applicant and also Mr. K. Upadhyaya, learned counsel for the respondents No. 2 and 3. Since the applicant's representations, annexures - II, III, IV, IV'A, V and VI have not so far been disposed of, there will be a direction to the 2nd respondent to consider the said representations and to pass appropriate orders in accordance with law within a period of two months from the date of receipt of this order.

The O.A. is disposed of as above at the admission stage itself. The applicant will produce this order before the 2nd respondent

for compliance. Counsel for the respondents also will inform this order to the 2nd and 3rd respondent urgently.

Sd/- Vice-Chairman



Verified to be true copy
Section Officer
C.A.T. Guwahati

for compliance
Section Officer
C.A.T. Guwahati
23/8

Date: 24.8.2005

FROM:

Shri Sheesh Pal Singh
Superintendent,
Kendriya Vidyalaya Sangathan
Regional Office, Guwahati.

To,

The Commissioner,
Kendriya Vidyalaya Sangathan
Shaheedjeet Singh Marg
New Delhi - 16.

Ref: Order dated 19.8.2005 passed by the Hon'ble Central
Administrative Tribunal Guwahati Branch Passed in
Original Application No. 212 of 2005

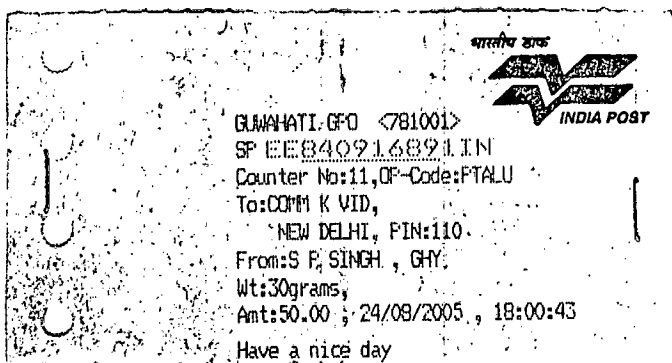
Sub: Transfer matter

Sir,

Please find herewith a copy of petition together
with a copy of Order dated 19.8.2005 passed by Hon'ble
Central Administrative Tribunal Guwahati Branch,
Guwahati, for your perusal and necessary action in this
regard.

Yours faithfully

(SHEESH PAL SINGH)



certified to be true copy
Dated
24/8/05



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

TEL. 26524702, 26858570

FAX 26514179

By Speed Post

F.3-14/74-KVS (Estt. I) Vol. 2

Dated: 21-10-2005

ORDER

Whereas Shri Sheesh Pal Singh, Supdt. was transferred from KVS RO, Dehradun to KVS RO, Guwahati vide this office order NO. 3-14/74-KVS(Estt.-I) dated 22-07-2000 in public interest.

Whereas Shri Sheesh Pal Singh applied for transfer from KVS, RO, Guwahati to KVS RO Delhi vide his applications dated 09-12-2003, 22-09-2004, 22-11-2004, 24-11-2004, 10-12-2004 & 14-07-2005.

Whereas his applications for transfer to KVS HQ/ KVS, RO Delhi were considered at the time of annual transfer of Group A & Group B officers of KVS during 2004 & 2005 but the same could not be acceded to for want of vacancy of Supdt. at the place of his choice.

Whereas he filed OA No. 212 of 2005 before the CAT, Guwahati Bench.

Whereas the Hon'ble CAT vide its order dated 19-08-2005 directed the second respondent i.e. Commissioner, Kendriya Vidyalaya Sangathan to consider the said representation and pass appropriate orders in accordance with Law within a period of two months from the date of receipt of this order.

Whereas the representations of Shri Singh have again been considered by the undersigned. Since there is no vacancy of Supdt. at the place of his choice i.e. Delhi it is not possible to accede to his request.

Shri Singh is informed accordingly in compliance with the order dated 19.8.2005 of the Hon'ble CAT, Guwahati Bench.

(RANGINA JAMUDA)
COMMISSIONER

21/10/05

✓ Shri Sheeshpal Singh,
Superintendent,
Kendriya Vidyalaya Sangathan,
Regional Office, Guwahati.

Copy to:

1. Education Officer (L&C), KVS, HQ New Delhi
2. The Assistant Commissioner, KVS RO Guwahati

Delhi

*submitted to be from copy
Shri Singh
DMS cat*

VIJAY KUMAR CHOPRA

Advocate, Gauhati High Court

Member : Gauhati High Court Bar Association
Lawyers Association, Guwahati
Tax Bar Association, Guwahati

Chamber : E-16 Purneshwari (3rd floor)
Charibari, Guwahati - 781001
Ph: 0361-2515559, 2520167 (C), 2542109 (R)
E-mail: vkchopra@sify.com
Mobile No. 94351-13977

ANNEXURE - IV

SPEED POST WITH A/D

Date: 25/11/05

To,
Ranglal Jamuda
Commissioner,
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi - 110016

Ref: 1) Order dated 19/8/2005 passed in
O.A. 212 of 2005, CAT, Guwahati Bench
2) Your letter F.3-14/74-KVS (Estt.- I) Vol.2
Dated 21/10/2005.

Sub: Pleader's Notice

My Client: Shri Sheeshpal Singh
Superintendent
Kendriya Vidyalaya Sangathan
Regional Office, Guwahati

Sir,

Under instruction I on behalf of my aforesaid client serve this notice upon you on the following facts:-

That my client has been working as Superintendent in Kendriya Vidyalaya Sangathan, Regional Office, Guwahati. That as my client has to look after his ailing wife who is residing at Delhi and to manage the marriage arrangement of his daughter, after completion of 3 years service tenure my client submitted representation, seeking his transfer from Kendriya Vidyalaya Regional Office Guwahati to Kendriya Vidyalaya Sangathan Delhi.

Residence : 7501, (B) Neha Apartment (5th Floor), S.J.Road, Athgaon, Guwahati - 781 001, Phone : 0361-2542109

certified to be true copy
[Signature]
DW 04

That even after several requests as the application for transfer of my client was not considered, he approached before the Central Administrative Tribunal, Guwahati Bench for direction of his transfer from Guwahati to Delhi vide Title Suit O.A. No. 212/05.

That thereafter on 19/8/2005 the Hon'ble Tribunal after hearing the parties disposed of the O.A. application with a direction to you (Respondent No. 2) to consider the representation and to pass appropriate Order in accordance with law within (2) two months from the date of receipt of the Order and the Certified copy of the Order was served to you.

That after receipt of the Order you on 21/10/2005 disposed of the representation concluding that there is no vacancy at Delhi and so my client's prayer of transfer is not possible to accede.

That vide Order dated 19/8/2005 the Hon'ble Tribunal directed you to consider the representation of my client in accordance with law but while disposing the representation of my client you have overlooked the very provision of clause 10(2) and 19 of Transfer guidelines of Kendriya Vidyalaya Sangathan, whereas under the privileges my client is entitled to get transfer to his choice station at Delhi and if there is no vacancy the same should be created by transferring the Junior most staff in the service of KENDRIYA Vidyalaya Sangathan in the said station i.e. Delhi. For your ready reference the existing provision of clause 10(2) and 19 of Transfer guidelines of Kendriya Vidyalaya Sangathan are quoted hereunder:-

Clause 10. (2)

Where transfer is sought by a Teacher under clause 8 of the transfer guidelines after a continuous stay of 02 years in the VERY HARD STATION or 3 years in the North East, A & N Islands and other declared hard stations or by a teacher falling under the grounds of medical/death of spouse/less than three years to retire or very hard case involving human compassion, in the event of non-availability of vacancy at his choice station, the vacancy shall be created to accommodate him by transferring the junior most teacher in the service of KVS in the said station of the same category (post/Subject). However, the Principals who have been retained under clause 4 to promote excellence would not be displaced under this clause

[Handwritten Signature]

(13)

Note: Date of appointment on regular basis will be the criteria to decide service in KVS in the said post. While displacing teachers, immunity shall be granted to the teachers, as applicable, for identifying and redeploying excess to the requirement of teacher. Apart from them, President/General Secretary of the recognized service association of KVS, who are also the members of J.C.M. will also be granted immunity. This facility is applicable for regional level also.

Clause 19

These guidelines shall mutatis mutandis apply to non-teaching staff to the extent applicable.

That you have not disposed of the representation of my client as in accordance with law which amounts to non compliance of lawful order of the Hon'ble Tribunal i.e. Contempt of Court.

Under the circumstances you are humbly asked to dispose of the representation of my client afresh keeping in view of said provisions of clause 10(2) and 19 of the Transfer guidelines, 2005 within 15 days from the date of receipt of this notice, failing which I have instruction to go for Contempt proceeding against you in the Court of law and in that event you will be held liable for all cost and Consequences.

Yours faithfully

(VIJAY KUMAR CHOPRA)
Advocate

Copy for information & Necessary action:-

- 1) The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Human Resource Development Department
Shastri Bhawan, New Delhi - 1
- 2) Commissioner,
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi - 110016
- 3) The Assistant Commissioner,
Kendriya Vidyalaya Sangathan
Regional Office, Guwahati, Khanapara, (Assam)



GUMHATI GPO <781001>
SP-FOD.EE8420240251IN
Counter No:11,OP-Code:PTALU
To:R J COMM,
NEW DELHI, PIN:110
From:V CHOPRA, GHY
Wt:30grams,
Amt:60.00, 25/11/2005, 14:14:45
Have a nice day



GUMHATI GPO <781001>
SP-FOD.EE842024089IN
Counter No:11,OP-Code:PTALU
To:ASST COMM K V S,
GUMHATI, PIN:781
From:V CHOPRA, GHY
Wt:30grams,
Amt:30.00, 25/11/2005, 14:15:10
Have a nice day



GUMHATI GPO <781001>
SP-FOD.EE842024092IN
Counter No:11,OP-Code:PTALU
To:COMM K V,
NEW DELHI, PIN:110
From:V CHOPRA, GHY
Wt:30grams,
Amt:60.00, 25/11/2005, 14:15:30
Have a nice day



GUMHATI GPO <781001>
SP-FOD.EE842024101IN
Counter No:11,OP-Code:PTALU
To:U OF I,
NEW DELHI, PIN:110
From:V CHOPRA, GHY
Wt:30grams,
Amt:60.00, 25/11/2005, 14:15:44
Have a nice day

(19)

and dependent son/ daughter alone as prescribed by the Commissioner will be considered as medical ground for transfer. (Please refer Annexure-A).

Note : Son will be deemed to be dependent till he starts earning or attains the age of 25 years, whichever is earlier or suffers from permanent disability of any kind (physical or mental) irrespective of age limit, and daughter will be deemed to be dependent till she starts earning or gets married, whichever is earlier, irrespective of age limit.

10. (1) In order to effect transfers in terms of clause 8 of these guidelines priority list shall be prepared listing all the applications received for transfers in terms of clause 7 and 8 showing the entitlement points against each applicant. This priority list (First) shall be operated against the vacancies available only after liquidating the excess to requirement situation prevailing in the Vidyalayas.

✓ 10. (2) Where transfer is sought by a teacher under clause 8 of the transfer guidelines after a continuous stay of 02 years in the VERY HARD STATION or 3 years in the North East, A & N Islands and other declared hard stations or by a teacher falling under the grounds of medical/death of spouse/less than three years to retire or very hard case involving human compassion, in the event of non-availability of vacancy at his choice station, the vacancy shall be created to accommodate him by transferring the junior most teacher in the service of KVS in the said station of the same category(Post/Subject). However, the Principals who have been retained under clause 4 to promote excellence would not be displaced under this clause.

Note : Date of appointment on regular basis will be the criteria to decide service in KVS in the said post. While displacing teachers, immunity shall be granted to the teachers, as applicable, for identifying and redeploying excess to the

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true copy
of the
document

ANNEXURE

(20)

requirement of teacher. Apart from them, President/General Secretary of the recognized service associations of KVS, who are also the members of J.C.M, will also be granted immunity. This facility is applicable for regional level also.

✓ 10. (3) While displacing teachers efforts will be made to accommodate them in the nearest KV against clear vacancy.

✓ 11. Second priority list shall be prepared and maintained in respect of cases of transfers in terms of clause 10(2) of the transfer guidelines listing all the applications along with entitlement points of each applicants in terms of priorities given in clause 8 of the guidelines. The applicants included in this priority list alone will be accommodated by transferring junior most teachers in the service of KVS in the said station of the same category (Post/Subject). For this purpose, Assistant Commissioners of the respective regions shall prepare the list of employees accordingly and circulate the same to all Kendriya Vidyalayas of the Region.

12. Mutual transfers within the same category are permitted provided either of the two teachers is not attracted by transfer under the provisions of transfer in clause 5 (i). However, no cases of mutual transfer shall be considered beyond 30th September of the year except in case of Primary Teachers, HM, Misc. categories of teachers and non-teaching staff whose requests may be considered even throughout the year in a restrictive manner for the deserving cases. The cases of PGT/TGT may be considered with the approval of Commissioner in special circumstances with due regard to the career prospects of Board examinees.

13. Upon promotion or direct recruitment as Principal/ Education Officers/ Assistant Commissioners, an officer is liable to be posted to a different State other than the one where he is posted or domiciled, in case no vacancy exists

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such departure from the guidelines, as he may consider necessary, with the prior approval of the Chairman KVS. However, such departure will be considered only after the disposal of the cases of en-bloc categories specified under clause 7. Moreover such departures will not be made for the cases covered under clause 17(iv) and 17(v).

- (c) The request of a teacher may be considered for transfer to a station in respect of which no other person has made a claim or request even if such teacher has not submitted the application in the prescribed proforma at the time of annual transfer or within the time limit prescribed for the purpose. This will be applicable only for transfer to Kendriya Vidyalayas in the North Eastern Region and other Kendriya Vidyalayas declared as very hard and hard stations.

19. These guidelines shall *mutatis mutandis* apply to non-teaching staff to the extent applicable.

20. If any difficulty arises in giving effect to these guidelines, the Commissioner may pass such orders as appears to him to be necessary or expedient for the purpose of removing such difficulty.

21. If any question arises as to the interpretation of these guidelines, it shall be decided by the Commissioner.

22. The attention of all the employees is invited to Rule 59 (27) of the Education Code and Rule 20 of the CCS (Conduct) Rules, 1964 which provide as under :

- (i) As per Rule 59(27) of Education Code:
"No teacher shall represent his grievance, if any, except through proper channel, nor will he canvass any non-official or outside influence or