

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. original Application No. 127/2006
2. Misc Petition No. _____
3- Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) Shri P. T. H. Kumar

Respondents C.O.I. & O.P.S.

Advocate for the Applicant(s) Adv. M. Chanda

Advocate for the Respondant(s) K. V. S. Nath

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C.F. for Rs 50/- deposited with P.A.B.D No. 269, 324271 Dated 22.5.06	31.5.2006	Present: The Hon'ble Shri K.V. Sachidanandan Vice-Chairman. The applicant, was transferred to KV-I, Agartala, State of Tripura, thereafter he was transferred to ONGC, Agartala where he has been serving till date. As per the transfer policy guidelines, the applicant is entitled to his choice station posting since he has completed three years of service in N.E. Region. He has made application for transfer in the prescribed format on 27.3.2006, which has already been forwarded to the concerned authority.
<i>Dy. Registrar</i>		
<i>Steps not taken</i>		
<i>Steps taken on 5/6/06.</i>		
<i>5/6/06.</i>		
<i>Notice & Order Sent to D/Section for issuing to resp. mos. 1 to 5 by regd. A/D post.</i>		
<i>6/6/06. D/Nb-587 to 591 DT= 8/6/06.</i>	<i>bb</i>	<i>Post the matter on 3.7.2006. The Standing counsel will obtain instruction by the next date.</i>

Vice-Chairman

26.06.2006

Post on 19.07.2006.

Notice for resp.

no-1, received

back as unserve

with a remark

"Incomplete Add."

mb

Vice-Chairman

21/6/06.

19.7.2006

Mrs.U.Dutta, learned counsel submits that Mr.M.Chanda, learned counsel for the applicant could not present today due to personal inconvenience and hence sought for adjournment.

Post on 9.8.2006.

22.8.06W/S filed by the
Respondents.

bb

09.08.2006

Post on 23.08.2006.

S.S.

Member

Vice-Chairman

W/S has been filed.

mb

22.8.

31.8.06.

Mr. S. Nath counsel for the applicant has submitted that Mr.M.K.Mazumdar learned counsel for the respondents has some personal difficulty and he has not attend the Court to-day. Post the matter on 18.9.06.

W/S has been
filed.S.
1.9.06.

lm

Vice-Chairman

18.9.2006

Mr.M.K.Mazumdar, learned Standing counsel for the KVS submits an order dated 27.6.2006 and submitted that relief has already been granted to the applicant. Copy of the said order is kept on record. Counsel for the applicant wanted to take instruction for disposal. Post on 21.9.2006.

vice-Chairman

bb

21.9.2006

post the matter on 14.11.2006.

13-11-06

W.S. filed by the Respondents.

bys.

bb

Vice-Chairman

14.11.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Post on 28.11.2006 along with M.P.

118/2006.

W.S. filed by the
Respondents.

/mb/

Vice-Chairman

29.11.06.

Judgment delivered in open Court.

Kept in separate sheets. Application
is disposed of.

Vice-Chairman

19.1.07

lm

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

4/1

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CENTRAL ADMINISTRATIVE TRIBUNAL : : GUWAHATI BENCH.

(O.A.No.127 of 2006.)

DATE OF DECISION: 29.11.2006.

Shri P.T.H.Kumar

APPLICANT

Mr. M. Chanda

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

Mr. M. K. Mazumdar, KVS

ADVOCATE FOR THE
RESPONDENT(S)

HON'BLE MR. K. V. SACHIDANANDAN, VICE-CHAIRMAN

1. Whether Reporters of local papers may be allowed to see the judgments?
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 Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.127 of 2006

Date of Order: This the 29th Day of November, 2006.

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

Shri Pillala Tirumala Harish Kumar,
S/O.Shri P.Lakmanamma,
Working as T.G.T.(SST)
Kendriya Vidyalaya, O.N.G.C.
Agartala,Tripura-799014. Applicant
By Advocate Mr.M.Chanda, Mr.S.Nath.

-Versus-

1. The union of India, Represented by Secretary to the Government of India,
Ministry of Human Resource Development
Govt. of India,
New Delhi-110001..
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18,Institutional Area,
Saheed Jeet Singh Marg,
New Delhi-110016.
3. The joint Commissioner(Admn)
Kendriya Vidyalaya Sangathan,
18,Institutional Area,
Shheed Jeet Singh Marg,
New Delhi-110016
4. The Grievance Officer.
Kendriya Vidyalaya Sangathan,
18,Institutional Area
Saheed Jeet Singh Marg,
New Delhi-110016
5. The Principal,
Kendriya Vidyalaya, O.N.G.C.
Agartala,Tripura-799014. Respondents

ORDER (ORAL)

K.V.SACHIDANANDAN,V.C.

The applicant is presently working as Trained Graduate Teacher (for short TGT) at K.V.Salua. Being aggrieved by the impugned order dated 16.04.2003 he has filed this O.A. seeking for the following reliefs:-

1. The Hon'ble Tribunal be pleased to direct the respondents to consider choice station posting of the applicant in terms of the option dated 27.03.2006 exercised by him for his choice posting either at any of the Kendriya Vidyalaya situated in and around Visakhapatnam or at Srikakulam in the light of the Govt. of India's circular dated 12.06.1997, 23.08.2004, 14.12.1983, 01.12.1988, 22.07.1998 as well as transfer policy 2006 issued by the KVS.
2. That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue in the present place of posting till consideration of choice posting as indicated in prayer No.1"

I have heard Mr.M.Chanda learned counsel for the applicant and Mr.M.K.Mazumdar, learned counsel for K.V.S. The respondents have filed their written statement. When the matter came up for hearing the learned counsel for the respondents has submitted that vide order dated 24.7.2006 the relief has been granted to the applicant and he has been transferred to K.V.Vishakhapatnam, Nausenabagh. Copy of the order submitted by the learned counsel for the respondents be kept in records. Mr.M.Chanda learned counsel for the applicant has submitted that the main relief has already been granted and he has no objection for disposal of the O.A.

h

The O.A. is accordingly disposed of. There will be no order
as to costs.



(K.V.SACHIDANANDAN)
VICE-CHAIRMAN

LM



d

Kendriya Vidyalaya Sangathan
Regional Office-Silchar
Hospital Road
Silchar-788001, Assam
03842-234009 (Fax/Tel)
261784(AC&AO),245737(EO&AAO)

Ref. No.F .4-1/2006-KVS(SR)/

Dated: 24-07-2006.

7603-05

S P E E D 35 P O S T

To

The Asstt. Commissioner
Kendriya Vidyalaya Sangathan
Regional Office.
Guwahati.

**Sub: O.A. No. 127/06 filed by shri P.T. H. Kumar, TGT(S.St) K.V.
ONGC Agartala before the Hon'ble CAT, Guwahati.**

Sir,

In continuation of this office letter of even no dated 23.6.06 on the subject cited above, I am sending herewith the Parawise Comments received from the KVS, HQ, New Delhi in the OA No. 127/06 filed by Shri P.T.H. Kumar, TGT (Sos. St), KV, ONGC, Agartala.

A copy of the Transfer Order No. F. 4-1/TGT(Sos.St)2006/KVS(Estt.II) dated 14-7-06 vide which Shri P.T.H. Kumar, TGT (Sost. St) has been transferred to KV, Vishakhapatnam, Nausenabagh is also enclosed for information.

Kindly arrange to handover the above papers to Shri M. K. Mazumdar, KVS, Standing Counsel for filing counter affidavit immediately.

Yours faithfully,

Enclo:As above.

(M.RADHAKRISHNAN)
ASSISTANT COMMISSIONER

Copy to:

1. Shri M. K. Mazumdar, Advocate, Khetra Kutir, Lane No.4, Pahartali, Kalapahar, Guwahati-18(Assam) – for information.
2. Dr. V. K. Gautam, EO (L&C), KVS, Hqrs., New Delhi – for his information with reference to his letter No.F.19-170(13)06-KVS(L&C) dated 13-7-06.

ASSISTANT COMMISSIONER

“काव्यसंग”

ogram: "KEVISANG"



केन्द्रीय विद्यालय संगठन, हैदराबाद संभाग

Kendriya Vidyalaya Sangathan

HYDERABAD REGION

पिकेट, सिकिन्दराबाद - ५०० ००९, आं.प्र.
PICKET, SECUNDERABAD - 500 009, ANDHRA PRADESH

पत्रांक No.

F. 14-GEN/2006-KVS(HR) 6168

दिनांक 27-08-2006

BY FAX/SPEED POST

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office,
SILCHAR

Subject : M.A. Filed by Sri P.T.H.Kumar, TGT(So.SL) at Gauhati Court - reg.

Sir.

Sir.
With reference to your telephonic conversation regarding vacancies of TGT(So.St.) as desired by your advocate, the vacancies of TGT(So.St.) in the KVs at Visakhapatnam, Srikakulam, Bhadravathi and ONGC Rajahmundry are furnished below:-

Sl. No.	Name of KV	No. of Post vacant	Remarks
1	No.1 Nausenabaugh, Vizag.	01	
2	No.2 Nausenabaugh, Vizag.	01	
3	No.2 Sri Vijayanagar Vizag.	01	
4	Steel Plant, Vizag.	01	
5	Srikakulam	NO VACANCY	
6	BILKEMUNIPATNAM	NO VACANCY	
7	ONGC RAJAJIMUNDRY	NO VACANCY	

Yours faithfully,

(C. NEELAP)
OFFICIAL ASSISTANT COMMISSIONER

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORIGINAL APPLICATION NO. 127/2006

Shri P.T.H. Kumar

1. a) Name of the Applicat:- *Shri P.T.H. Kumar*
- b) Respondents:- Union of India & Ors
- c) No. of Applicant(S) :- *One*
2. Is the application is the proper form:- Yes/ No.
3. Whether name & desription and address of the all papers been furnished in cause title :- Yes/ No.
4. Has the application been duly signed and varified :- Yes No.
5. Have the Copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed:-Yes/ No.
7. Whether all the annexure parties are impleaded :-Yes/ No.
8. Whether English translation of ducuments in the Language : Yes/ No.
9. Is the application is in time :- Yes/ No.
10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:-Yes/ No.
11. Is the application by IFO/BD/For Rs: 5/- *269,324271* D) 22.5.06
12. Has the application is maitanable :- Yes/ No.
13. Has the Impugned order original duly attested been filed : Yes/ No.
14. Has the ligible copies of the annexures duly attested filed:-Yes/ No.
15. Has the Index of ducuments been filed all available:- Yes/ No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/ No.
17. Has the declaration as required by item 17 of the form:- Yes/ No.
18. Whether the relief sought for arises out of the single :- Yes/ No.
19. Whether the interim relief is prayed for :- Yes/ No.
20. In case of condonation of delay is filed is it supported :-Yes/ No.
21. Whether this Case can be heard by Single Bench/Division Bench:
22. Any other point:- *The OA is in order.*
23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-
Address of R-1 is incomplete also 3950

SECTION OFFICER (J)

MS/OS

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 127 /2006

Shri Pillala Tirumala Harish Kumar

-Vs-
Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

16.04.2003- Applicant while working at KV II N.S.B Visakahapatnam he was transferred and posted to K.V. I, Agartala in the state of Tripura in public interest. Applicant joined at Agartala on 02.05.03, thereafter he was further transferred to K.V. O.N.G.C, Agartala where he is working till date. (Annexure- 1)

14.03.2006- Kendriya Vidyalaya Sangathan issued new transfer policy guideline, as per the clause 14 and 15 of the said transfer policy guideline applicant is entitled to a choice station posting as because he has completed 3 years of service in the NE Region. (Annexure- 2)

28.01.2006- Applicant submitted several representations against his inter-regional transfer addressed to the Grievance Officer, New Delhi but to no result. Situated thus applicant approached before the Lok Adalat at Agartala by filing Lok Adalat Case No. 62/2005, which was disposed of on 28.01.06 with a request to hear the grievance of the applicant and dispose of representation dated 12.07.05 but to no result. (Annexure- 3)

04.02.2006- Applicant submitted representation enclosing a copy of the order dated 28.01.06, finding no result he submitted a reminder on 03.03.06 but to no result. (Annexure- 4 and 5)

14.12.1983, 01.12.88, 22.07.98- Govt. of India, Ministry of Finance, issued O.M dated 14.12.83, 01.12.88, 22.07.98, granting benefit of choice station posting to the Central Govt. employees who are posted in NE Region from outside the NE Region on completion of 2/3 years of service in NE region. The present applicant is also entitled to the benefit of the aforesaid memorandum, in view of the fact that the KVS is an autonomous organization working under the Ministry of

P.T.H. Verma

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Human Resource Development, under the Govt. of India.

(Annexure- 6)

04.03.2005- Applicant submitted representation addressed to the Grievance Officer, New Delhi, wherein he stated that his wife is a Govt. employee of the State of Andhra Pradesh and his 82 years old mother, 2 daughters are suffering much in Andhra Pradesh, therefore he prayed for choice posting either at K.V Visakhapatnam or at K.V, Srikakulam, but to no result. He also submitted representations on 03.06.05 and 12.07.05 but to no result.

(Annexure- 7 Series)

27.03.2006- Applicant submitted his option, praying for choice posting at K.V, Visakhapatnam or K.V. Srikakulam. Be it stated that 4 posts are lying vacant in 9 schools situated in and around Visakhapatnam, the said option is still pending before the respondents for consideration.

(Annexure-8)

12.06.1997, 23.08.2004- Govt. of India issued Office Memorandums providing benefit of posting of husband and wife in the same station. applicant is also entitled for posting at any of the Kendriya Vidyalaya of Visakhapatnam or Srikakulam as per provision of the said O.M as well as in terms of New transfer policy guideline of the KVS.

(Annexure- 10 & 11)

Hence this Original Application.

PRAYERS

1. That the Hon'ble Tribunal be pleased to direct the respondents to consider choice station posting of the applicant in terms of the option dated 27.03.2006 exercised by him for his choice posting either at any of the Kendriya Vidyalaya situated in and around Visakhapatnam or at Srikakulam in the light of the Govt. of India's circular dated 12.06.1997, 23.08.2004, 14.12.1983, 01.12.1988, 22.07.1998 as well as transfer policy 2006 issued by the KVS.
2. That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue in the present place of posting till consideration of choice posting as indicated in prayer No. 1.
3. Costs of the application.

P.P.H. Karmay

4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for

During pendency of the application, the applicant prays for the following interim relief:-

1. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.
2. That the Hon'ble Tribunal further be pleased to pass an interim order directing the respondents to allow the applicant to continue in his present place of posting till disposal of the Original Application.

P. P. H. Kennedy

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A. No. 127 /2006

Shri Pillala Tirumala Harish Kumar. : Applicant.

-Versus-

Union of India & Ors. : Respondents.

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5.	3	Copy of the order dated 28.01.06.	35-43
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9.	7 (Series)	Copy of the representation dated 04.03.05, 03.06.05 and 12.07.05.	48-53
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Filed By:

S. Nath

Date: - 30.05.06

Advocate

P. P. H. Kumar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O.A. No. 127 /2006

BETWEEN:

Shri Pillala Tirumala Harish Kumar,
S/o- Shri P. Laxmanamma,
Working as T.C.T (SST)
Kendriya Vidyalaya, O.N.G.C.,
Agartala, Tripura- 799014.

.....Applicant.

-AND-

1. The Union of India,
Represented by Secretary to the
Government of India,
Ministry of Human Resource Development,
Govt. of India,
New Delhi- 110001.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed Jeet Singh Marg,
New Delhi- 110 016.
3. The Joint Commissioner (Admn.)
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed Jeet Singh Marg,
New Delhi- 110 016.
4. The Grievance Officer,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed Jeet Singh Marg,
New Delhi- 110 016.
5. The Principal,
Kendriya Vidyalaya, O.N.G.C.,
Agartala, Tripura- 799014.

.....Respondents.

5
Filed by the applicant
Lalengha, S. Naik.
30.05.06.

P. P. H. Kumar

DETAILS OF THE APPLICATION

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

This application is made not against any impugned order but praying for a direction upon the respondents to consider choice station posting of the applicant in terms of the option dated 27.03.2006 exercised by the applicant for his choice posting either at any of the Kendriya Vidyalaya situated in and around Visakhapatnam or at Srikakulam in the light of the Govt. of India's circular dated 12.06.1997, 23.08.2004, 14.12.1983, 01.12.1983, 22.07.1998 as well as transfer policy 2006 issued by the KVS.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act 1985.

4. Facts of the case:

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. He is a permanent resident of 7-3-7, Chittaranjan Street, Srikakulam, Andhra Pradesh.
- 4.2 That your applicant was initially appointed as a Primary Teacher and posted at Kendriya Vidyalaya, Dhanapur, Madhya Pradesh in the year 1990. Thereafter, he was transferred and posted to K.V. L.N.S Kalinga, Bheemipatnam in the State of Andhra Pradesh in the year 1992. While working as Primary Teacher he had applied for the post of Trained Graduate Teacher in the Kendriya Vidyalaya Sangathan (for short KVS)

R. P. H. Kumar

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and he was selected and appointed to the post of Trained Graduate Teacher (for short TGT) and accordingly he was posted as TGT (Sst) at K.V. Salua, West Bengal in the month of September 1993. Thereafter, the applicant was again transferred and posted to K.V. II, Nausenabaugh, Visakhapatnam in the year 1996. The applicant while working at KV II N.S.B, Visakhapatnam he was all of a sudden transferred and posted to K.V. I, Agartala in the state of Tripura vide order dated 16.04.2003 in public interest. The applicant being highly aggrieved with the inter Regional transfer he had approached the learned CAT, Hyderabad Bench by filing an Original Application, challenging the transfer and posting order dated 16.04.2003. However, the learned Tribunal vide it's judgment and order dated 30.09.2003 held that since there is no violation of statutory guideline and the applicant could not establish malafide as such learned Tribunal did not interfere with the transfer and posting order and held that the Original Application is devoid of any merit and dismissed the Original Application.

Copy of the order dated 16.04.2003 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 1.

4.3 That your applicant thereafter joined at K.V.-I, Agartala on 02.05.2003, while working as such the applicant was further transferred to K.V. O.N.G.C at Agartala on surplus ground, accordingly he joined at K.V. O.N.G.C on 27.06.2005.

In the meanwhile the applicant has completed 3 years of service in the NE Region on 01.05.2006.

4.4 That the KVS has issued New Transfer Policy guideline which came into force w.e.f. 14.03.2006, as per the said transfer policy priority has been given for inter regional request transfer against available vacancies. The relevant portion of the transfer policy are quoted below:

R. P. H. (Signature)

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"14. FIRST PRIORITY LIST: INTER-REGIONAL REQUEST TRANSFERS AGAINST AVA VACANCIES.

14.1 The first priority list shall be prepared by listing of applications received for inter transfers against available vacancies taking into account the entitlement points as per above and shall be displayed on KVS website by 30th April. This priority list shall be in accordance with para 12 and 13 above.

14.2 Representations against transfers proposed in the first priority list shall be received on 15th May.

14.3 After taking into consideration the representations received as per para 14.2, final orders will be issued by 20th May.

15. SECOND PRIORITY LIST: INTER-REGIONAL TRANSFERS OF PERSONS IN CATEGORY BY DISPLACEMENT OF OTHERS AND CERTAIN CONSEQUENTIAL TRANSFERS.

15.1 Where transfer is sought by a teacher coming under PCGR and no vacancy is available station of his choice, required vacancy will be created by displacing a teacher of this category (post/subject) with longest stay at the said station, and not belonging to CDA. However, nobody shall be displaced in this manner, as far as possible, before completing of three years. If no-CDA category employee with more than 3 year tenure available at the station of first choice of a PCGR category employee, the exercise will be locating such a person at stations of his second, third and lower choices, in that order non-CDA employee with more than 3 years tenure is available at any of the station of the non-CDA employee with longest tenure out of all the preferred stations taken to get be placed. The displaced teacher will be accommodated against

available nearby vacancy as far as possible within the region.

The resultant vacancies arising out of transfers order first priority list, will be used to accommodate non-PCGR category requests, who could accommodated in the first priority list, to the extent possible.

15.2 Second priority list prepared as per para 15.1 above, shall be displayed on KVS website 20th May, and representations against it will be received upto 5th June. Final Transfer orders, taking representations into consideration, shall be issued by 10th June.

15.3 Any correction/modification which become necessary in transfers as per first and second priority lists by KVS (HQ) shall be issued by 25th June.

The applicant in the meanwhile has rendered 3 years service in the NE Region and as such he has acquired a valuable and legal right for choice station posting in the light of the direction contained in the new transfer guideline which have been effected w.e.f. 14.03.2006 by the KVS. The case of the applicant is squarely covered by clause 14 and 15 of the transfer guideline. Be it stated that the applicant has been transferred and posted in NE Region in public interest has indicated in the transfer order dated 16.04.2003. It is relevant to mention here that applicant was never served with any charge sheet during his entire service career under Rule 14 of the CCS (CCA) Rule 1965.

A copy of the extract of the transfer policy guideline is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 2.

4.5 That your applicant since his posting submitted several representations to the competent authorities including Commissioner, Assistant

P.T.H. Kumar

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Commissioner, Grievance Officer of the Grievance Cell of the KVS which is evident from Article 158 of the Education Code published by the KVS, New Delhi. Those representations were submitted on different dates but surprisingly no reply has been furnished by the authority against those pending representations. In such compelling circumstances applicant approached before the Lok Adalat at Agartala for redressal of his grievances. The learned Lok Adalat after hearing the parties was pleased to dispose of petition of the petitioner on 18.01.2006 in Lok Adalat case No. 62/2005 whereby the learned Lok Adalat requested the Grievance Officer, Kendriya Vidyalaya, New Delhi to hear the grievances of the applicant and disposed the application dated 12.07.2005 submitted by the applicant. Pursuant to the order dated 18.01.2006 the applicant submitted a representation on 04.02.2006 enclosing the copy of the judgment, but surprisingly no action has been initiated by the grievance officer for disposal of his grievance application. finding no response applicant submitted a reminder on 02.02.06 but to no result. Be it stated that in the grievance petition there is a specific prayer made by the applicant for his reposting at choice station at Visakhapatnam or at Srikakulam in the state of Andhra Pradesh and as such the applicant insisted for disposal of his grievance application by the grievance officer since the grievance cell has been constituted for redressal of the grievances of the employees of KVS but to no result.

Copy of the order dated 28.01.06 passed in the Lok Adalat case No. 62/2005, representation dated 04.02.06, reminder dated 03.03.06 are enclosed herewith for perusal of the Hon'ble Tribunal as Annexure- 3, 4 and 5 respectively.

4.6 That your applicant further begs to say that North Eastern Region is always treated as one of the hard region, the applicant although never applied for inter-regional posting but even then he has been transferred and posted from K.V II Nausenabaugh, Visakhapatnam to a very far off place i.e. at

P. P. H. Keikay

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K.V. No. I, Agartala, in the state of Tripura in NE Region. The applicant being highly aggrieved with the transfer and posting order dated 16.04.2003 had approached the learned CAT Hyderabad Bench at Hyderabad, challenging the validity and legality of the said transfer and posting order. However, the learned Tribunal did not interfere with the order in O.A No. 430/2003 on the ground that since the applicant has got all India transfer liability as such there is no illegality in the order of transfer and posting order dated 16.04.03. The applicant thereafter, in compliance with the transfer and posting order dated 16.04.03 reported for duty at K.V Agartala w.e.f. 02.05.2003.

It is stated that the Govt. of India, Ministry of Finance, Department of Expenditure, New Delhi had issued an O.M dated 14.12.1983 vide letter bearing No. G.I. M.F O.M No. 20014/3/83 IV. The relevant portion of the O.M dated 14.12.1983 are quoted below;

(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 continuing the tenure period 2/3 rd 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.

(ii) Weightage for Central deputation/training abroad, and special mention in confidential reports

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Satisfactory performance of duties for the prescribed tenure in the North east 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 abroad.*

The general requirement of at least three years service in a cadre post between two central tenure deputation may also be relaxed to two years in deserving cases of meritorious service in the North East.

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

Cadre authorities are advised to give due weightage for satisfactory performance of duties for the prescribed tenure in the North-east in the matter of promotion in the cadre posts, deputation to Central tenure post and courses of training abroad."

The present applicant is also entitled to the benefit of the aforesaid memorandum, in view of the fact that the KVS is an autonomous organization working under the Ministry of Human Resource Development, under the Govt. of India as such the said O.M dated 14.12.1983 which was subsequently extended by the O.M. dated 01.12.1988 as well as by the O.M dated 22.07.1998 and the said benefit is still in force.

In view of the aforesaid memorandum of the Govt. of India, all the Central Govt. Civilian Employees as well as the employees of Nationalised Bank, Govt. of India Undertakings, Corporations and Autonomous Organisation controlled by the Govt. of India have also adopted the aforesaid O.M dated 14.12.83, 01.12.88 and 22.07.98 and granted incentives to their employees on posting to NE Region. The KVS also adopted the aforesaid Circular and extended the benefits contained therein to it's employees on their posting in NE Region. The applicant being an employee of the KVS and posted at Agartala from outside the NE Region also entitled to the benefit of choice station posting immediately after completion of

P. P. H. Karmakar

fixed tenure in NE Region. The applicant has already completed fixed tenure of 2 years long back and as such he is entitled to choice station posting.

Copy of the extract of O.M dated 14.12.83, 01.12.88 and 22.07.98 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 6.

4.7 That the applicant submitted series of representations on 04.03.2005, wherein it has been stated that on 16.09.2004, 24.11.2004 and on 14.02.05 he had preferred appeals to the Commissioner, KVS for justice through proper channel and he had specifically stated that in the said representations that his 82 years old mother, 2 daughters and his wife, who is a Govt. employee of the State of Andhra Pradesh has been suffering much since May 2003 and therefore he has prayed for consideration of his choice posting either at K.V Visakhapatnam or at K.V Srikakulam. He has given his option for choice posting in the prescribed format on 27.03.2006, which was duly countersigned by the Principal K.V, O.N.G.C, Agartala on 14.04.2006. In the said option the applicant requested his posting either at K.V, Visakhapatnam or at K.V Srikakulam where 4 posts are lying vacant in 9 schools situated in and around Visakhapatnam as well as vacancies are also available in K.V. Srikakulam as such respondents has no difficulty in accommodating the applicant in his choice station either at Visakhapatnam or at Srikakulam. Be it stated that option dated 27.03.2006 submitted by the applicant was duly forwarded by the Principal, K.V, Agartala with a note that the applicant has completed the tenure in Agartala (i.e. priority area). Applicant also submitted a representation on 03.08.2005 for consideration of his posting at Visakhapatnam, Hyderabad, Bhubaneswar, Chennai, Pune or any other place near to his hometown. He had submitted another representation on 12.07.2005 inter alia praying for his posting at least to K.V, Waltaire or Srikakulam immediately considering health condition of his mother. But surprisingly till date prayer of the applicant has not been considered for choice station posting in spite of his repeated

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representations. In this connection it may be stated that O.M dated 14.12.1983, 01.12.88 and 22.07.98 issued by the Ministry of Finance the applicant is liable to be posted at any of his choice station posting immediately on completion of 2 years of fixed tenure, whereas the applicant in the meanwhile has completed 3 years in NE Region but even then his case has not been considered for choice station posting.

In such a compelling circumstances finding no other alternative the applicant is approaching before this Hon'ble Tribunal praying for a direction upon the respondents for consideration of his case for choice station posting in terms of his option dated 27.03.2006 which is pending before the authority with immediate effect and further be pleased to direct the respondents to consider his grievances pending before the Grievance Cell.

In this connection it is relevant to mention here that as per Article 158 of the Education Code of the KVS employees of the KVS are entitled to submit their grievances before the Grievance Cell which is functioning at the KVS Headquarter under the control of the Deputy Commissioner (Personnel and Admn.) as the Central Grievance Officer and also there is a Regional Grievance Cell but unfortunately the grievance petition of the applicant is pending before the grievance cell and the same has not been disposed of till filing of this original application before the Hon'ble Tribunal. Therefore, the Hon'ble Tribunal be pleased to direct the respondents to consider the grievance petition of the applicant by passing an appropriate order.

Copy of the representation dated 04.03.05, 03.06.05, 12.07.05; option-dated 27.03.06 and extract from Education Code of the KVS are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 7 (Series), 8 and 9 respectively.

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4.8 That the wife of the applicant is also a Govt. employee of the State of Andhra Pradesh and she is residing in the home State of the applicant for the sake of her service along with 2 minor daughters and 82 years ailing mother of the applicant as such applicant is entitled to be posted at his choice station invariably to lead a normal family life or at least in adjacent places near to his home town as per the provision contained in the Govt. of India vide O.M bearing No. 28034/2/97-Estt. (A) dated 12.06.1997, O.M No. 28034/23/2004-Estt. (A) dated 23.08.2004 as well as in terms of New Transfer guidelines dated 14.03.06 of KVS.

Copy of the O.M dated 12.06.97 and O.M dated 23.08.04 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 10 and 11 respectively.

4.9 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

5.1 For that, applicant has completed 3 years as against the 2 years tenure in NE Region as such he has acquired a valuable and legal right for choice station posting in terms of the provision contained in the O.M dated 14.12.1983, 01.12.88 and 22.07.98 and also in the light of the provision laid down in the New Transfer Policy 2006 issued by the KVS.

5.2 For that, the O.M dated 14.12.83, 01.12.88 and 22.07.98 has been adopted by the KVS and as such the applicant is entitled to the privileges granted by the aforesaid Office Memorandums issued by the Govt. of India, Ministry of Finance..

5.3 For that, the applicant submitted numbers of representations including grievance petition in terms of the provision laid down in Article 158 of the Education Code of the KVS employees published by the KVS New Delhi but till date said grievance petition is pending in the grievance cell of the

P. T. H. Kumar

KVS without any action, wherein in addition to the other grievances the applicant made a specific grievance in the said petition for consideration of the choice posting and also submitted separate representation for consideration of choice posting but to no result.

- 5.4 For that, case of the applicant for consideration of choice posting is specifically covered in terms of clause 14 and 15 of the Transfer Policy, which was effected w.e.f. 14.03.2006 as such the case of the applicant is liable to be considered in priority basis for choice station posting with immediate effect.
- 5.5 For that, the transfer and posting of the applicant in the NE Region has been made in public interest as such applicant is entitled to choice station posting in terms of the O.M dated 14.12.83, 01.12.88 and 22.07.98 and also in the light of the transfer policy issued by the KVS.
- 5.6 For that, the applicant is also entitled to the benefit of the O.M dated 12.06.1997, O.M No. 28034/23/2004-Estt. (A) dated 23.08.2004 as well as benefit of New transfer policy guideline dated 14.03.2006 of the KVS, in view of the fact that the wife of the applicant is a Govt. employee of the State of Andhra Pradesh and residing in the home state with minor daughters and 82 years aged mother of the applicant as such applicant is liable to be posted at his choice station to enable to led him a normal family life as per provision contained in O.M dated 12.06.97 and 23.08.2004.

6. Details of remedies exhausted.

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

P. T. H. Gurumay

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to consider choice station posting of the applicant in terms of the option dated 27.03.2006 exercised by him for his choice posting either at any of the Kendriya Vidyalaya situated in and around Visakhapatnam or at Srikakulam in the light of the Govt. of India's circular dated 12.06.1997, 23.08.2004, 14.12.1983, 01.12.1988, 22.07.1998 as well as transfer policy 2006 issued by the KVS.
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue in the present place of posting till consideration of choice posting as indicated in prayer No. 1.
- 8.3 Costs of the application.
- 8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

P.P.H. (Signature)

During pendency of the application, the applicant prays for the following interim relief: -

- 9.1 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.
- 9.2 That the Hon'ble Tribunal further be pleased to pass an interim order directing the respondents to allow the applicant to continue in his present place of posting till disposal of the Original Application.
10.
11. Particulars of the I.P.O
 - i) I.P.O No. : 26 G 324271.
 - ii) Date of issue : 22.5.06.
 - iii) Issued from : G.P.O. Guwahati
 - iv) Payable at : G.P.O. Guwahati
12. List of enclosures:
As given in the index.

P. P. H. Kumar

VERIFICATION

I, Shri Pillala Tirumala Harish Kumar, S/o- Shri P. Laxmanamma, aged about 43 years, working as T.G.T (SST), Kendriya Vidyalaya, O.N.G.C, Agartala, Tripura- 799014, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 28th day of May 2006.

P.T.H. Kumar

Xem
21-04-03

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Annexure-1

KENDRIYA VIDYALAYA SANGATHAN
18. INSTITUTIONAL AREA
SHAIKH JELI SINGH MARG
NEW DELHI-110016

No. F.33-11/2002-03/KVS(Estt.D)

Specified Post
Date: 16.4.03

TRANSFER ORDER

Shri P.T.H. Kumar, TGT(S.St.), Kendriya Vidyalaya No.2, Nausenabagh is hereby transferred in public interest to Kendriya Vidyalaya, No.1, Agartala with immediate effect.

10/4/03
(P. DEYASENA)
EDUCATION OFFICER
For COMMISSIONER

Copy to:

- ✓ 1. Shri P.T.H. Kumar, TGT(S.St.), Kendriya Vidyalaya No.2 Nausenabagh.
- 2. Principal, Kendriya Vidyalaya No.2, Nausenabagh to relieve the teacher immediately so as to enable him to report for duty at Kendriya Vidyalaya, No.1, Agartala.
- 3. Principal, Kendriya Vidyalaya, No.1, Agartala. The date of joining of the teacher may be intimated to KVS, Hqrs. RO.
- 4. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Hyderabad/ Silchar.
- 5. Section Officer, Vigilance Section, KVS(Hqrs).
- 6. Guard File/ Office order file.

*Attested
Law. Advocate*

NEW TRANSFER GUIDELINES W.E.F. 14-03-2006Annexure 2**1. BASIC PRINCIPLES**

1.1 All employees of the KVS are liable to be transferred and posted anywhere in India, at any time, and for any period, as requirements of public service in Sangathan may dictate. Transfers and postings are a right of the Sangathan. Sangathan would endeavour to exercise in the best interest of the students, with due regard to the principles of equity and transparency vis-a-vis its employees.

1.2 These guidelines regarding transfers are meant essentially for the use of the Sangathan and do not vest any employee with any right.

1.3 Objectives of the Sangathan's transfer policy are: -

- i.) To deploy available staff in an optimum manner so that, inter-alia, staff are evenly distributed across regions and schools, with special regard to the needs of students in Priority Areas [as defined in para 2(1)(y)],
- ii.) To maximize the overall satisfaction level of its employees, subject to the paramount need to protect academic interests of students and overall efficiency of the organization.

2. DEFINITIONS

(1) In these guidelines unless the context otherwise requires:

- i) "Category whose Dislocation will be Avoided (CDA)" means person in one or more of the following categories: -
 - 'MDG', as defined in Clause (viii) below,
 - 'DSR', as defined in Clause (iv) below,
 - 'LTR', as defined in Clause (vii) below,
 - Physically challenged employees, as defined in Clause (x) below,
 - Employee whose spouse is also a KVS employee and is posted at the same place and
 - President/General Secretary of recognized service associations of KVS, who are members of JCM.
- ii) "Commissioner" means Commissioner, Kendriya Vidyalaya Sangathan or any officer thereof who has been authorized or delegated to exercise all or any

After 2nd Law Review

... under section 11(2) of the Act has been authorized or delegated to exercise all the powers and functions of the Commissioner.

iii) "Dependent son/daughter": - Son will be deemed to be dependent till he earns or attains the age of 25 years, whichever is earlier or suffers from permanent disability of any kind irrespective of age limit. Daughter will be deemed to be dependent till she starts earning or gets married, whichever is earlier, irrespective of age limit.

iv) "DSP" means an employee whose spouse has died within two years, as of March of the year.

v) "Employee spouse" means a spouse who is a paid employee in an organization and does not include a self-employed spouse.

vi) "Hard station" means a place notified as such by the Sangathan.

vii) "LTR" means an employee who has less than three years to retire, as of March of the year.

viii) "MDG" means an employee seeking transfer on the basis of one or more medical conditions listed in Annexure-1, affecting himself/herself, spouse or son/daughter.

ix) "PS" means Posting with Spouse.

x) "Physically Challenged Employee" means an employee who is sanctioned Conveyance Allowance due to visual and/or orthopedic disability, as per instructions of the Central Government.

xi) "Priority Areas" means the North Eastern Region (including Sikkim Islands and Hard and Very Hard Stations elsewhere).

xii) "Priority Category for Grant of Request Transfer (PCGR)" means falling in one or more of the following categories : -

MDG, *reduced*
DSP, *spouse and*
LTR, *less than 3 yrs to Mkt*

✓ person who has completed his tenure in Priority Areas.

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xiii) "Region" means a region as notified by the Commissioner, comprising +
 Vidyalayas in a specified area of the country and placed under the charge of an A
 Commissioner.

xiv) "Sangathan" means the Kendriya Vidyalaya Sangathan (KVS).

xv) "Service" means the period for which a person has been holding charge c
 in the Sangathan on a regular basis.

xvi) "Station" means any place or group of places as notified by the KVS
 purpose of transfers, from time to time,

xvii) "Stay" means service at a station excluding the period or periods of co
 absence from duty exceeding 30 days (45 days in case of Priority Areas) at a strel
 than on training or vacation.

xviii) "Teacher" means all categories of teachers in the employment of Sangat
 does not include functionaries in the rank of Vice-Principals, Principals, Education
 and above, for the purpose of transfer.

xix) "Tenure" means a continuous stay for a specified period by different catog
 employees in different parts of the country. Reference date for Priority at
 determination of tenure is 30th June of the year. For all other places the refer
 shall be 31st March of the year.

xx) "Very hard station" means a place notified as such by the Sangathan.

xxi) "Year" means a period of 12 months commencing from 1st April.

(2) Unless the context otherwise indicates:

a) words importing the singular number shall include plural number and vice-versa.
 b) words importing the masculine gender shall include the feminine gender.

3. AUTHORITIES COMPETENT TO EFFECT TRANSFERS:

(1) Subject to the general powers of the Commissioner to effect all manner of
 of persons upto the level of Education Officers, transfers of the kind shown in Col
 will be effected by the authorities shown against them in Col 2:-

Type of Transfers	Authority which will transfer	
	(1)	(2)
1. (i) Inter-regional Transfers (ii) Intra-regional Transfers of Principals and Vice-Principals	Commissioner	
2. Intra-regional Transfers of employees upto the level of PGTs, except:- (i) Mutual Transfers, and	Assistant Commissioner, on the recommendation of the Regional Transfer Committee (RTC)	

	(ii) Admn. Transfers on grounds of misconduct or unsatisfactory performance [vide para 8(iv), below]	
3.	Intra-regional transfers of the following kinds upto the level of PGTs:- (i) Mutual Transfers, and (ii) Admn. Transfers on grounds of misconduct or unsatisfactory performance [vide para 8(iv), below]	Assistant Commissioner

(2) The Regional Transfer Committee mentioned in sub-para(1) above will consist of the following, viz.,

1.	Assistant Commissioner	Chairman
2.	Senior-most Education Officer of the Region – to be nominated by the Assistant Commissioner	Member
3.	Two senior-most Principals of the Region – to be nominated by the Assistant Commissioner	Members
4.	Administrative Officer of the Regional Office [or Superintendent (Admn.) if AO's post is vacant].	Secretary

Provided that if both the senior-most Principals in a Region are male then only the senior-most male Principal will be nominated as a member, and the senior-most lady Principal of the Region will be nominated as the second member.

PROVIDED further that if the senior-most Education Officer of the Region, or any senior-most Principals who is otherwise eligible to serve as member of the Regional Transfer Committee, under the above provision, has been punished in the last ten years, or disciplinary proceedings are currently either pending or contemplated against him, the next senior-most Education Officer/Principal, not suffering from such a disqualification, will be nominated to the Committee.

(3) Recommendations of the Regional Transfer Committee shall as far as possible be unanimous. However, in case of irreconcilable difference of opinion among the members, the majority view will prevail. In case of equality of votes, the Chairman will have a casting vote.

(4) It will be the responsibility of the Chairman to ensure that recommendations of the Committee are fully in accordance with these guidelines. In case, in his opinion, a majority recommendation is inconsistent with these guidelines, he will not implement it but will refer the matter to the Commissioner for orders.

4. TYPES OF TRANSFERS

Transfers shall be of two types, namely: -

- i) "Administrative transfers" which Sangathan orders, suo-moto, and
- ii) "Request transfers", which are ordered by the Sangathan on the basis of request by an employee. Admissibility for transfer TA in the case of the two types of transfers shall be given in Para 20, below.

5. SCHOOL-WISE ALLOCATION OF POSTS FOR THE NEXT ACADEMIC SESSION.

Since the number of students, classes, sections and subjects to be taught in a Kendriya Vidyalaya vary from year to year, the Commissioner will issue, by 30th November every year, an order allocating the posts of various categories to each Kendriya Vidyalaya for the next academic session. This allocation order will form the basis of determination of school-wise surplus/staff personnel till the end of the next academic session.

6. DETERMINATION OF SCHOOL-WISE SURPLUS STAFF AND VACANCIES.

Based on the post allocation order issued under Para 5, the Assistant Commissioner of the region will determine for each Kendriya Vidyalaya of the region, by 15th December, the surplus number of (i) persons in surplus, and (ii) vacancies.

7. ADMINISTRATIVE TRANSFERS TO ELIMINATE STAFF SURPLUS.

7.1 In the Kendriya Vidyalayas where teachers are in surplus, action will be taken to reduce surplus to zero, in the following manner:

(i) All teachers of relevant category working in Kendriya Vidyalayas having a surplus in that category will be notified that teachers of that category in requisite numbers will be transferred out to eliminate the surplus, and it will be ascertained whether any of them are willing to be transferred out to other KVs within the region having vacancies in the same category. To the extent possible, surplus will be eliminated by transferring willing teachers who respond to the above notice, to vacant posts within the Region.

(ii) Since some surplus may remain after (i) above, person(s) in requisite numbers will also be identified at the station where each school having a surplus is located for administrative transfer to the extent of such remaining surplus. This will be done on the basis of highest station seniority of teachers not belonging to the CDA category.

Preferences of such teachers from among available vacancies in KVs of the Region will also be ascertained. Persons responding to the notice under (i) above and those identified under (ii) above will be called for a round of counselling before the Regional Transfer Committee by 10th January, and transfers will be effected in that order with due regard to their

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2.12. Similarly, transfers will be effected, in that order, with due regard to them from amongst available vacancies, and as per the guidelines in paras 13 and 14, below, **January**. *(not admissible in the month of January)*

7.2. In some cases there may be surplus staff in a particular category, in a region as a whole. To that extent, persons of that category will have to be transferred out of the region. Such will be those who can not be accommodated within the region by following the exercise in para 7.1 above. List of such persons, along with their preference for other regions sent by the Assistant Commissioner to the Commissioner by 20th January, who will transfer them to regions having net vacancies in that category, in the manner provided in paras 13 and 14, by 31st January.

7.3. Vacancies arising on account of superannuation upto 31st July of the year at stations which teachers are transferred out on administrative grounds under paras 7.1(ii) above, shall be filled up by re-posting of teachers who are so transferred out, in pursuance of the above paras. While doing so, priority would be given to teachers who are transferred out of the region, and wherever applicable, it will be specified in their initial transfer order if they will stand re-posted to their original station on superannuation of the person concerned.

8. ADMINISTRATIVE TRANSFERS ON OTHER GROUNDS

Besides transfers to eliminate surplus, as indicated in Para 7 above, administrative grounds on which staff may be transferred are as follows: -

i) Due to completion of maximum tenure prescribed for certain posts as specified below:

S.No.	POST	MAXIMUM PRESCRIBED TENURE (IN YEARS)
1.	Assistant Commissioner	03
2.	Education Officer	05

While there would be no maximum prescribed tenure for Principals, cases of them as have completed five years in the same school, will be examined, and transfer effected to the extent necessary in pursuance to the objectives spelt out in para 1.3.

ii) To fill-up vacancies in Priority Areas.

iii) To accommodate requests of teachers belonging to PCGR category for a place where a vacancy is available.

iv) On grounds of misconduct or unsatisfactory performance, as evidenced by its

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charge-sheet under Rule 14 of the CCS (CC&A) Rules, 1965 or imposition of a minor p. under Rule 16 of the CCS (CC&A) Rules, 1965.

- v) Closure of a Kendriya Vidyalaya.
- vi) Other administrative exigencies.

9 CRITERIA FOR EFFECTING ADMINISTRATIVE TRANSFERS INTO AND OUT OF PRIORITY AREAS:

One tenure posting of all male teachers/officers and non-teaching staff in the rank of Superir and above in Priority Areas will be mandatory before they complete 35 years of age, with the minimum tenure: -

S. No.	Type of Station	Minimum tenure (in years)
1.	North-Eastern Region (except its Very Hard Stations) and Hard Stations elsewhere	03
2.	Very Hard Stations	02

Explanation: - Where a person has worked in stations of both the kinds mentioned above, ten Station of category (2), will be treated as being equivalent to 1 ½ times the tenure at a station category (1) for purposes of determining whether he has completed the minimum prescribed tenure.

- (2) After completion of the tenure prescribed above, if a person requests to be transferred out, he will, as far as possible, be given a posting of his choice in the PCGR category.
- (3) As per objectives of the transfer policy as mentioned in para 1.3 (i), the procedure for transferring teachers to fill up vacant posts in Kendriya Vidyalayas situated in Priority Areas shall be as follows: -

- (i) Vacancies in KVs in Priority Areas shall be published on the website of KVS Regional Offices, by 31st January, and applications of willing persons will be invited by 15th February, for transfer to such vacancies. Based on applications received, posting teachers/employees to vacant post in KVs, of their choice, shall be issued by the Commissioner, by 25th February.
- (ii) In addition to (i) above, 25% of anticipated vacancies in KVs located in Priority Areas on 1st April of the following year will be filled up through administrative transfers. To fill up vacancies to this extent, senior-most male teachers upto 35 years of age, as on 31st March of the year, based on all-India Seniority list, who have not completed their

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minimum tenure in Priority Areas shall be transferred to such areas subject to teachers belonging to MDG, DSP and Physically Challenged categories. In addition, those teachers who have completed less than one year at the present place of posting on 31.3.2006 shall not be transferred to Priority Areas except on request.

(iii) Inter-regional Transfer of Teachers as per (ii) above will be ordered by the Commissioner, specifying the region but generally without specifying the school, by 1st February. Posting to specific schools will be done by the Assistant Commissioner on the recommendations of the Regional Transfer Committee, by 10th March.

10 DISPLAY OF VACANCIES IN NON-PRIORITY AREAS ON KVS WEBSITE

School-wise vacancies in KVs outside Priority Areas, determined after issue of transfer orders as per paras 8 and 9 above, will be displayed by the KVS (HQ) and Regional Offices on their Website by 1st March.

RECEIPT OF APPLICATIONS FOR REQUEST TRANSFERS.

11.1 The Assistant Commissioner of the region shall receive applications for request transfers from the respective Principals of Kendriya Vidyalayas till 20th March. The applications received by Regional Offices shall be sorted and intra-regional applications will be retained. Applications for inter-regional transfers shall be forwarded to KVS (HO) so as to reach it by 5th April.

Applications for transfers will be made in Form - 1 appended to these guidelines. In this form, the person requesting for transfer may indicate choice of upto 05 stations in one or more Regions.

12 REQUEST TRANSFERS

Cases where requests for transfers shall not be considered: -

In following cases, requests for transfer shall not be considered:

- i) Request of a direct recruit for transfer from the place of first posting shall be considered, completion of a period of three years in case of male, and one year in case of female employee.
- ii) Request for transfer of a person posted on promotion will not be considered, completion of three years in the case of Assistant Commissioner/ Education Officer and one year in other cases.

III) Principals, Education Officers and Assistant Commissioners will not be transferred to the same station from where they were transferred earlier, unless a period of three has elapsed.

iv) Teachers, Education Officers or Assistant Commissioners, who were transferred to an administrative ground mentioned in Para - 8(iv) shall not be considered for transfer completing five years. Further, they will not normally be transferred to the station where they were transferred out on the said administrative ground. However, persons to Priority Areas shall be considered for transfer on completion of their tenure as specified in Para 9.

v) A person who has been transferred on request, will not be transferred on again in the same academic session.

vi) Cases of MDG, DSP and LTR categories, where request for transfer has already been granted on these grounds previously.

12.2 Extent to which requests from persons belonging to PCGR and non-PCGR categories will be accommodated.

Extent to which requests from persons belonging to PCGR and non-PCGR categories will be accommodated will be as follows:

S. No.	Category	Extent to which request will be accommodated
1.	PCGR	i) First claim on available vacancies
		ii) To the extent vacancies are not available, by displacement of employees as per para 15.
2.	Non-PCGR	To the extent of available vacancies left after accommodating all requests of PCGR category. However, non-PCGR requests will not be accommodated if grant of such request is likely to jeopardize academic interests of students at the employee's place of posting

12.3 Criteria for considering request transfers to fill up available vacancies.

Subject to the provisions of Para 12.1, requests made for transfers shall be disposed of in the sequence indicated below: -

i) Requests coming under PCGR will be granted as per the options specified in the applications. Within the PCGR, the order of precedence will be as under: -

- MDG,
- DSP,

c. LTR,

d. Those who have completed their tenure in Priority Areas.

ii) Vacancies for which no requests are received from teachers coming under Pt be considered for posting of applicants belonging to non-PCGR category. In the event being more than one request for the same vacancy, priority for transfer shall be in descending order of aggregate entitlement points calculated as per para 13 below.

12.4 Posting with an Employee Spouse

As far as practicable, request for transfer to join an employee spouse, either at the same station or a nearby station, shall be considered and for this reason specific entitlement points have been given in Para 13. In the event of a tie among the same category of spouses, lady employee would have preference over male employee, and inter-se priority among different categories shall be as follows:

	Category of Employee Spouse	Priority
1.	Where spouse is a Sangathan employee	I
2	Where spouse is a Central Government employee	II
3	Where spouse is an employee of an autonomous body or PSU under the Central Government.	III
4	Where spouse is an employee of a State Government or its autonomous body or PSU	IV
5	Spouse working in an organization other than 1-4 above.	V

NOTE: - For 'Spouse Cases' the aforesaid priority will be considered only where the teacher transfer to a station (a) other than the one where he is currently posted, and (b) where employed spouse is posted either at the desired station or a nearby station.

13. ENTITLEMENT POINTS FOR DETERMINING PRIORITY AMONG RIVAL CLAIMANTS

For purposes of Para 12.3, requests will be disposed of based on highest entitlement points assigned as per the following criterion:-

Sl No	Reason / Consideration	Entitlement points
1.	Completion of tenure at a Very Hard Station	40
2.	Completion of tenure in the North-Eastern region (except at a very hard station), and at hard stations elsewhere.	30
3	Stay at the station from where the transfer is being sought (except those covered under Sl No 1)	01 for each year

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	Being sought (except those covered under S.No. 1 and 2).	Stay exceeding three years subject to a maximum of points.
4.	Physically Challenged Employee.	20
5.	Unmarried/divorced/judicially separated/ widowed ladies.	15
6.	Request to be posted with an Employee Spouse.	10
7.	Lady teachers who are posted to places more than 500 KMs. away from their home town.	10

NOTE:- Although the persons covered under S.No. 1 and 2 come under PCGR category, entitlement points are assigned to facilitate decision making as their number may be quite large and there is competition among them for some specific stations/K.Vs.

14

FIRST PRIORITY LIST: INTER-REGIONAL REQUEST TRANSFERS AGAINST AVAILABLE VACANCIES

14.1 The first priority list shall be prepared by listing of applications received for inter transfers against available vacancies taking into account the entitlement points as per above and shall be displayed on KVS website by 30th April. This priority list shall be in accordance with para 12 and 13 above.

14.2 Representations against transfers proposed in the first priority list shall be received up to May.

14.3

After taking into consideration the representations received as per para 14.2, final orders will be issued by 20th May.

15.

SECOND PRIORITY LIST: INTER-REGIONAL TRANSFERS OF PERSONS IN CATEGORY BY DISPLACEMENT OF OTHERS AND CERTAIN CONSEQUENT TRANSFERS

15.1 Where transfer is sought by a teacher coming under PCGR and no vacancy is available at the station of his choice, required vacancy will be created by displacing a teacher of the category (post/subject) with longest stay at the said station, and not belonging to him. However, nobody shall be displaced in this manner, as far as possible, before completing a tenure of three years. If no non-CDA category employee with more than 3 years' tenure is available at the station of first choice of a PCGR category employee, the exercise will be of locating such a person at stations of his second, third and lower choices, in that order. A non-CDA employee with more than 3 years' tenure is available at any of the stations of

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the non-CDA employee with longest tenure out of all the preferred stations taken together be displaced. The displaced teacher will be accommodated against available nearby vacancies as far as possible within the region. The resultant vacancies arising out of transfers order first priority list, will be used to accommodate non-PCGR category requests, who could be accommodated in the first priority list, to the extent possible.

15.2 Second priority list prepared as per para 15.1 above, shall be displayed on KVS website on 20th May, and representations against it will be received upto 5th June. Final Transfer orders, taking representations into consideration, shall be issued by 10th June.

15.3 Any correction/modification which become necessary in transfers as per first and second priority lists by KVS(HQ) shall be issued by 25th June.

16 TRANSFERS BY REGIONAL OFFICES

Applications for intra region request transfer shall be considered by the Regional Transfer Committee only after the inter region transfer orders have been issued by the KVS(HQ).

16.1 Request Transfers against available vacancies by Regional Office.

The first priority list shall be prepared by listing of applications received for intra-regional transfer taking into account the entitlement points as per para 13 above. This priority list shall be displayed on RO website by 26th June. Representations against transfers proposed in first priority list received by 10th July, and final transfer orders shall be issued by 15th July. The first priority list shall be prepared as per provisions of para 12 and 13 above.

16.2 Transfers of persons in PCGR category by displacement of others by Regional Office.

Where intra region transfer is sought by a teacher coming under PCGR category 15.1. The required vacancy is available at the station of his choice, required vacancy will be created as per provisions of para 15.1. The teachers so identified for displacement shall be called for counselling by the RTC.

Thereafter, second transfer list shall be displayed on RO website by 20th July, representations, if any, against transfers proposed therein shall be received upto 5th August, and final transfer orders shall be issued by 10th August.

16.3 Any corrections/modifications in transfers as per first and second priority lists issued shall be issued by 20th August.

17. TRANSFERS UNDER SPECIAL CIRCUMSTANCES

17.1 Notwithstanding anything contained in Para 11.1, transfer application of a teacher entertained upto 31st August for transfer to a station in respect of which no other person has made request even if such teacher has not submitted the application in the prescribed format by the last date specified in Para 11.1. In case of vacancies in Priority Areas, ready teachers shall be considered throughout the year.

17.2 KVS reserves the right to transfer any teacher to any place at any time due to admin exigencies. Commissioner may pass orders in such cases.

17.3 Transfers on account of serious illness, when it is not practicable to defer the transfer year without causing serious danger to the life of the teacher, his spouse or ailing son/daughter be effected by Commissioner at any time during the year.

18. MUTUAL TRANSFERS.

Mutual transfers (involving two persons) of teachers within the same category will be provided provisions of Para 12.1 are not attracted in either of the two cases. No reqd mutual transfer shall be considered beyond 31st October of the year. Intra-regional transfers will be finalized by Regional Transfer Committee and orders issued by the co Assistant Commissioner. Requests for inter-regional mutual transfers shall be forwarded (HQ). Mutual transfers shall be considered only after inter and intra region transfers are all categories.

19. CALENDAR OF ACTIVITIES

For ready reference, calendar of activities in respect of transfers is summarized below:-

Sl. No	Activity	Relevant Para No. of the Guidelines	LAST DATE For 2006	For subse years
1.	School-wise Allocation of Posts for the next academic session	5	15 th Feb.	30 th
2.	Determination of School-wise surplus staff and vacancies.	6	5 th March	15 th
3.	Counselling by RTC for voluntary and adminn. transfers to eliminate surplus.	7.1	25 th March	10 th
4	Intra-regional transfers to eliminate School-level surplus	7.1	27 th March	15 th
5	Submission of details of staff which is surplus in a Region, to KVS(HQ) for Inter-regional Transfer.	7.2	27 th March	20 th
6	Inter-regional transfer orders to eliminate surplus at regional level	7.2	31 st March	31 st
7	Display of vacancies on website for Priority Areas	9(3)(i)	1 st April	31 st
8	Inviting application against above vacancies by KVS(Hqrs)	9(3)(i)	17 th April	15 th
9	Issue of Transfer orders based on applications received	9(3)(i)	27 th April	25 th
10	Admn. Transfers to Priority Areas, by Commissioner	9(3)(iii)	5 th April	25 th
11	Issue of Posting Orders of persons transferred to Priority Areas by Assistant Commissioner	9(3)(iii)	20 th April	10 th
12	Display of vacancies for non- Priority Areas on KVS	10	25 th April	30 th

website.			
Receipt of transfer applications by ROs	11.1	15th May	20th N
Receipt of transfer applications from ROs by Hqrs	11.1	30th May	5th Ap
Display of First Priority List of Inter-regional Request Transfers against available vacancies on website by KVS (Hqrs)	14.1	25th June	30th A
Receipt of Representations on First Priority List	14.2	10th July	15th N
Issue of Inter-regional Transfer Orders pursuant to (15) above	14.3	15th July	20th N
Display of Second Priority List of Inter-regional Request Transfers proposed to be effected through displacement	15.2	16th July	20th N
Receipt of representations on Second Priority List	15.2	31st July	5th Ju
Issue of Inter-regional transfer orders pursuant to (18) above	15.2	16th August	10th J
Corrections/Modifications in Inter-regional transfer orders issued as per (17) & (20) above.	15.3	5th Sept.	25th J
Display of First Priority List of Intra-regional Request Transfers on website by ROs	16.1	6th Sept.	26th J
Receipt of representations on First Priority List by RO	16.1	20th Sept.	10th O
Issue of Intra-regional Transfer Orders pursuant to (22) above	16.1	25th Sept.	15th O
Counselling at RO of teachers identified for displacement as per para 16.2	16.2	26th Sept.	16th O
Display of Second Priority List of Intra-regional transfers on website by RO	16.2	1st Oct.	20th O
Receipt of representations on Second Priority List	16.2	15th Oct.	5th Au
Issue of Intra-regional transfer orders pursuant to (26) above.	16.2	20th Oct.	10th A
Corrections/Modifications in Intra-regional transfer orders issued pursuant to (23) & (27) above.	16.3	30th Oct.	20th A
Transfers Orders under Special Circumstances.	17	As given in para 17	As given para 17
Mutual Transfers	18	15th Nov.	31st C

20. ADMISSIBILITY OF TRANSFER TA

Transfer TA as per KVS rules will be admissible in case of administrative transfers, but case of request transfers except in the following circumstances:-

- (i) Where request transfer is effected against a vacancy in a school located in Priority Area, or
- (ii) Where a person posted in a school in a Priority Area is transferred, on completion of prescribed minimum tenure.

21. TEMPORARY CHANGE OF HEADQUARTERS

Assistant Commissioner shall be competent to change the headquarters of a teacher for

not exceeding 180 days at a stretch within an academic session to any other school within the region on following grounds of administrative exigencies:

- i) In case no person is available for engagement on part-time contract basis to fill a (including a leave vacancy) in a school, and
- ii) For ensuring better utilization of manpower. However, the Assistant Commissioner shall take due care while changing such headquarters temporarily so that the academic interests of students at the employee's present place of posting are not adversely affected.

22. INTERPRETATION

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

23. TRANSFER OF NON-TEACHING STAFF

These guidelines shall, mutatis mutandis, apply to non-teaching staff.

24. CODE OF CONDUCT

All employees are expected to adhere to Rule 59 (27) of the Education Code and Rule 20 of CCS (Conduct) Rules, 1964, which read as under :

Rule 59(27) of the Education Code:

"No teacher shall represent his grievance, if any, except through proper channel, nor will he carry on non-official or outside influence or support in respect of any matter pertaining to his service in the Vidyalaya."

Rule 20 of CCS(Conduct) Rules:

"No Govt. servant shall bring or attempt to bring any political or other outside influence upon any superior authority to further his interest in respect of matters pertaining to his service under KVS".

Violation of above provisions amounts to misconduct, and would be liable to be punished.

***Time frames mentioned in these guidelines are generally those which will be applicable from 2007 onwards. Relevant time frames for 2006 are in Para 19.**

Type of Diseases Prescribed as Valid for Transfer on Medical Grounds.

TYPE OF DISEASE

- (i) CANCER
- (ii) PARALYTIC STROKE
- (iii) RENAL FAILURE
- (iv) CORONARY ARTERY DISEASE WHERE BYPASS SURGERY HAS BEEN ACTUALLY DONE
- (v) THALASSAEMIA
- (vi) PARKINSONS' DISEASE
- (vii) MOTOR-NEURON DISEASE
- (viii) Any other disease with more than 50% physical and /or mental disability examined and recommended by respective Regional Medical Board with records/reports (within three months).

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 have the meaning as given in the Butterworth's Medical Dictionary.

(i) Cancer

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

Exclusions:

This excludes non-invasive carcinoma(s) in-Situ, localized non-invasive tumour(s) and early malignant changes and tumour(s) in presence of HIV infection or AIDS; any other 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 cause.
(a) Hemorrhage (cerebral), (b) Thrombosis (cerebral), (c) Embolism (cerebral) causing permanent disability of two or more limbs persisting for 3 months after the illness.

Exclusions:

- i) Transient/Ischamic attacks.
- ii) Stroke-like syndromes resulting from

a) Head Injury

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b) Intracranial space occupying lesions like abscess, traumatic hemorrhage, tumour.

c) Tuberculosis 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 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 through the arterial system are excluded.

(v) THALASSAEMIA

It is an inherited disorder and it is diagnosed on clinical and various laboratory parameters. Patient with Thalassaemia who is anemic and is dependent upon regular blood transfusions for maintaining the hemoglobin level. In addition he is on chelating agent and supportive care.

Inclusions:

i) Thalassaemia major: - History of blood transfusion/ replacement at least every 3 months interval. It must be well supported by all medical documents. The history should include the periodicity/duration of blood transfusion/ replacement required by patient/Chelation therapy.

Exclusion:

(a) Patient may have Thalassaemia minor. His anemia may become severe due to concurrent infection or stress. Anemia may become severe because of iron deficiency or other associated factor.

(b) Blood transfusion is not required and these patients do not require Chelation therapy.

(vi) PARKINSONS' DISEASE

Slowly progressive degenerative disease of nervous system causing tremor, slowness and disturbance of balance.

Must be confirmed by a neurologist.

Involuntary tremulous motion with lessened muscular power, in parts not in action when supported; with a propensity to bend the trunk forward and to pass from a running pace, the senses and intellects being uninjured.

Exclusion:

- (i) Patients who are stable with the support of medicine.
- (ii) Detection of Parkinsons' disease within the duration of 5 years.

Requirement :

Date of detection of the disease, hospitalization extent of involvement, treatment along with discharge summary should be furnished. Mention should be made about the progressiveness of the disease, and summary of inception of the patient confirmed by Neurologist.

(vii) MOTOR-NEURON DISEASE :

Slowly progressive degeneration of motor neuron cells of brain and spinal cord, weakness, wasting and twitching in limbs and difficulty in speaking and swallowing.

Must be confirmed by neurologist.

Inclusions :

Irreversible/progressive motor neuron disease with presence of weakness, fasciculation of limbs with/without brisk tendon jerks and extension painter response.

Exclusion:

Weakness of muscle due to other causes like infections, neuropathy, trauma, motor-neuron disease involving less than 02 limbs and the muscle power is in grades.

Requirement :

It should be duly supported by MRI, EMG and nerve conduction test.

(viii) Any other disease with more than 50% physical and /or mental disability examined and recommended by respective Region Medical Board with records/reports (within three months).

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 Lawyer & Special
 Legal Services Advisor
 Tripura, Agartala
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PERMANENT LOK ADALAT
 AGARTALA :: TRIPURA.

LOK ADALAT CASE NO. - - - 62 - - OF 2005

Mr. P.T.H Kumar

----Petitioner

- Vs -

Principal, Kendriya Vidyalaya,
 Kunjaban, Agartala

----Opp.-party

B E F O R E

Mr. B.R. Deb - Presiding Judge,

Mr. D.Chakraborty - Judge,

Mrs. K. Deb Barman - Judge

For the Petitioner - In person

For the Opp.-party - Principal, Kendriya Vidyalaya,

Argument heard on - 20-12-2005

Judgment delivered on-18-01-2006

J U D G M E N T

1. By this application the Petitioner sought relief against the harassment suffered by him during his service period from the hierarchy stating inter alia in the application that:-

JUDGE
 Norman
 Agartala
 Tripura, Agartala

Affected
 Frank
 Advocate

10/2004, 28/1/00
High Court of Andhra Pradesh
Visakhapatnam

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(i) He submitted number of appeals to the Authority of Kendriya Vidyalaya on 16-9-2004, 24-11-2004, 14-2-2005, 26-4-2005, 3-6-2005, 12-7-2005 for getting ~~justice~~ justice in the matter of career loss, harrassment, financial loss and mental torture etc. alleged to have been caused to him, but the Kendriya Vidyalaya did not take any action till date.

(ii) Even the Grievence Cell of the Kendriya Vidyalaya also did not take any action in this regard inspite of repeated approach.

(iii) 82 years old ailing mother of the Petitioner, two minor daughters and employed wife have been suffering much in Andra Pradesh Since May, 2003, and they need help and support of the petitioner.

(iv) Principals of Kendriya Vidyalaya and the local staff are enjoying undue privilage.

And the petitioner has prayed for appropriate ~~relief~~ relief according to law, justice, equity and good conscience.

A copy of the letter written by the petitioner addressed to the Grievence Officer is annexed with the petition on perusal of which it appears that the petitioner brought his grievence to the notice of the Grievence Cell by a letter

JUDGE
Permanent Law Adala
Tribunal, Andhra
Pradesh

Original 28/10/06
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dated 12-7-2005 to the effect that he has been working as TGT (SST) in the Kendriya Vidyalaya, ONGC, Agartala and he was posted to North Eastern Region w.e.f. 2-5-2003. He is a post graduate in history and English, M.Ed. P.G Diploma in Guidance and Counselling, Andra Pradesh State Medalist in Athletic Sports. He secured 100% results in 1996 to 2005 in Class X CBSE Examination, he has the honour to be the first person from KVS selected for 'Film Appreciation Course', conducted by 'National Film Archive of India' and Film & Television Institute of India', under the Ministry of Information and Broadcasting, Government of India.

In the month August, 1997, the petitioner applied for the post of Dist. Co-ordinator in a Andra Pradesh Open School Society. The Principal, Mr. M.V.R.K. Shastry wrote on the application that a disciplinary case is pending, but the reality is that during his 15 years of service he has not received any charge sheet, nor any sort of notice regarding any case departmental or other ^{w.r.t.} against him. And only after the lapse of two years since the same principal gave a note that no disciplinary case was pending ^{w.r.t.} against him. So due to the said false allegation the petitioner lost a bright chance and prospect. Again in the month of Dec. 2002, he applied for the post of Principal in A.F.S.W.R.E.I.S. At that time also the Principal issued ~~the~~ a clearance certificate only on the last minute on 16-12-2002 which was the last date for receipt of application and thus he lost the opportunity to submit that application in time. Also injustice was done to the petitioner by transferring him repeatedly from this school to that school and he was transferred in 1990, 2002, 2004 and 2005. His

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transfer from Andra Pradesh to Tripura State (Agartala) was motivated by unfair politics of Mr. G.V.Ramana, Mr. Anand Rao, Mr. M.V.R.K Shastray, Mr. Bal and others. against which he appealed on 25th January, 2003, but the K.V.S did not conduct any impartial open enquiry and the enquiry was completely one sided without following the provisions of Central Civil Services (Classification, Control & Appeal) Rules, 1965 and by force the petitioner was sent to Agartala.

Further grievance is that he has not received the arrears for the period from January, 1996 to August, 1996 under the 5th Pay Commission Rules. His increments for one year 1996-96 was withheld for one year without any reason. Again his increment for the year 2003 was also withheld for three months without any reason. Interim relief & D.A arrears from July, to Setpember, 1993 at K.V. INS, Kalinga has not been paid till today. I.R. Arrears for the period of September 1993 at K.V. Salua has not been paid till today. Double H.R.A Allowance from 21-4-2003 to 29-9-2004 at K.V.-I, Agartala, has been intentionally withheld for some months by Mr. M.V.R.K Shastray's friend.

It is also alleged that due to such harrassment and mental torture the petitioner could not even complete the PGDCA Course in A.P Universities, Vishakapatnam, which he was pursuing.

2. The Opp.-party contested the proceeding by filing written statement admitting that the petitioner submitted number of

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representations and the opp.-party forwarded the same to the higher authority, as the opp.-party appeared before the Adarsh has got no authority to take any decision upon the said representations. The opp.-party has denied the allegations of harassment etc. made by the petitioner and the opp.-party further stated in his reply that the petitioner already approached the Central Administrative Tribunal and the Hon'ble Gauhati High Court, Agartala Bench and both the cases were dismissed and in fine the opp.-party has submitted that the petition filed by the petitioner seeking relief is without substance and is liable to be rejected.

FINDINGS

3. A xerox copy of the judgment dt. 30-9-2003 passed by the Central Administrative Tribunal, Hyderabad Bench in O.A No.430/2003 is annexed to the reply filed by the opp.-party, on perusal of which it appears that the petitioner filed an application before the Central Administrative Tribunal (CAT) for declaration that the order of transfer dt. 15-4-2003 signed on 10-4-2003 is in its No.F.33-11/2002-03/KVS (ESTT-II) is illegal, vitiated with malafide, capricious, unjust, unwarranted, punitive in nature and not at all in the public interest and it is contrary to the transfer guidelines of Kendriya Vidyalaya Sangathan and violative of principles of natural justice and violative of Articles 14 & 16 and 21 of the Constitution of India and the petitioner prayed for setting aside the same.

The findings of facts recorded by the Lt. Tribunal is that the petitioner joined the service on 8-1-1990 at

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Agartala

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Tribunal, Kolkata

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Kendriya Vidyalaya at Dhanpuri, Madhya Pradesh as Primary Teacher wherefrom he was transferred to Kendriya Vidyalaya I.N.S., Kalinga, Vishkapatnam, in 1992 and in 1993, he got selection as T.G.T Social Studies and then he was posted to Kendriya Vidyalaya, Salua, West Bengal. Thereafter, he was transferred to Kendriya Vidyalaya-II, Nausenabaugh in 1996.

In September, 2002, some students of 1Xth Class, 'Section-C', failed to submit the project work within the stipulated time and son of the Principal was also one of the defaulting students and thereupon on the advice and guidance of Principal, low mark was awarded for the project work for those students including the son of the ~~principal~~ Principal.

It was the case of the petitioner before the Tribunal that said incident offended the Principal who in turn issued Memo on 27-9-2002 X asking explanation as to why some of the students were awarded low marks, and the Principal started harrassing harrassing the petitioner in all possible ways and means and the petitioner also alleged that the petitioner suffered discriminatory treatment mostly due to communal feelings.

4. The respondent contested the said proceeding before the Tribunal by filing counter reply stating inter alia that the transfer guidelines issued by the KVS clearly indicates that the employees have got All India Transfer Mobility depending upon the Administrative Exigencies/grounds and the said

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Gopura, Agarwala

Prabhakar
Member of Legislative Assembly
Tripura, India
1/10/04

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guidelines also permit transfer of a teacher on the recommendation of the Principal and the Chairman of the Vidyalaya Management Committee of the K.V.

The respondent further submitted before the Tribunal that behaviour of the petitioner with the students and his other class room activities were also found not according to the intended purpose and his unfounded allegations against all the employees including the teachers and the Principals in the said K.V.S compelled the Chairman of the Vidyalaya Management Committee to request his authorities to take remedial measure to safeguard the interest of the student community. As the activities of the petitioner were not found conducive to the proper functioning of the institution, the competent authority by following the guidelines transferred the petitioner by the impugned order.

Id. Tribunal considered the epitome of misery allegedly suffered by the petitioner and brought to the notice of the Tribunal and rejected the application holding that the impugned order of transfer was not interferable.

It also appears from the xerox copy of the judgment dt. 11-10-2004 passed by the Hon'ble Gauhati High Court at Agartala Bench in W.P.(C) No. 246/04 that the petitioner filed the aforesaid Writ Petition challenging the order of transfer dt. 16-4-2003 from Mosenabaugh to Agartala and for some other service benefits and the Hon'ble High Court dismissed the said Writ petition holding that the writ petition was not maintainable for want of jurisdiction.

JUDGE
Permanent Judge
Tripura, Agartala

Government
of Tripura
Lok Adalat
Tripura, Agartala
10/11/05

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5. In the present proceeding the Principal, Kendriya Vidyalaya, Agartala has been made party against whom no allegation has been made and the allegations labelled against the authority ~~is/are~~ by the petitioner are beyond the territorial jurisdiction of this Adalat and those authorities ~~are~~ not before the Adalat at present.

6. The institution of Lok Adalat is functioning as a voluntary and conciliatory agency and Lok Adalat has jurisdiction to help the belligerent parties to bring about ~~at~~ settlement and in the present case the opp.-party, the Principal, Kendriya Vidyalaya, Agartala had no authority or jurisdiction to come to any settlement or compromise within the petitioner in regard to the allegations brought by the petitioner in his petition.

Further, the concerned authorities to whom most of the allegations relate are not before this Adalat and the authorities are not within the territorial jurisdiction of this Adalat.

And moreover the entire matter was dealt within the judgment of the C A T, Hyderabad Bench as mentioned above.

7. ~~REASON~~ However, before parting with the record we like to add that it appears from the xerox copy of the ~~letter~~ dated 12-7-2005 filed by the petitioner that the petitioner approached the Grievence Officer, Kendriya Vidyalaya Sangathan, New

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Tripura, Agartala

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State Legal Services Authority
Tripura, Agartala
26/1/06

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Delhi for redress, but there is no evidence on record to show that the said application was disposed of and as such, we request the Grievence Officer, Kendriya Vidyalaya, New Delhi to ~~disposess~~ hear the petitioner and dispose of the application dt. 12-7-2005 sent by the petitioner praying for redress.

In the result the case is ~~disposed~~ dropped and is accordingly disposed of.

Not done

07/18/06

(D. CHAKRABORTY)

JUDGE

Permanent Lok Adala
Tripura, Agartala

M. 18/1/06

(B.R. DEB)

JUDGE

Permanent Lok Adala
Tripura, Agartala

(K. DEB BARMAN)

18/1/06

(K. DEB BARMAN)

JUDGE

Permanent Lok Adala
Tripura, Agartala

Attested
Jahid
Advocate

From
P.T.H KUMAR,
TGT(sst.)
Kendriya Vidyalaya ONGC,
ONGC Complex,
Agartala ,Tripura State.

To
The Honourable Chairman / Vice Chairman /
Grievance Officer, KVS , New Delhi

And

To
The Grievance officer Regional office of KVS,
Silchar /Hyderabad/ Bhubaneswar.

// Through Proper Channel. //

Sub :- Kindly dispose of the application date 12-7-2005
in Grievance cell and other appeals Regarding .

Ref :- Judgement of Tripura state permanent Lok Adalat and other appeals of
KVS date 16-9-04, 24-11-04, 14-02-05, 04-03-05, 26-04-05, 03-06-05, 12-07-05,
08-11-05, 21-11-05, 03-01-06, etc.

Dear Sir,

With humble submission and respect I would like to represent the following
matter to your kind consideration ,early favourable action and quick disposal .

I submitted number of appeals to KVS on 16-9-04, 24-11-04, 14-02-05,
04-03-05, 26-04-05, 03-06-05, 12-07-05, 08-11-05, 21-11-05, 03-01-06 for getting
justice in the matters of career loss ,transfers loss , financial loss and mental torture
etc. But the KVS did not take any action till date due to bureaucratic favour .Even
the grievance cell of KVS also did not taken any action inspite of repeated
approaches . Than I appeals honorable "Tripura State Permanent LOK ADALAT"
The lok adalat in his 9pages judgement at last "requested to Grievance Officer of
the KVS to hear petitioner and dispose of the application dated 12-07-05 .

- a) Judgment copy, letter 12-07-05 and other appeals enclosed here pages ... 1 to 26
- b) Career loss evidences enclosed here with pages 27 to 44
- c) Transfers loss evidences enclosed here with pages 45 to 57

Received Seven Sets
of papers along with Seven C.Ds
from Mr. P.T. H. Kumar, TGT(sst).
Dated 01.08.2006
M.C. Lomashwaran
Advocate



Attested
for
Advocate

d) False memos, Leakage transfer papers and news papers cuttings against K V, kunjaban enclosed here with pages.....58.....59.....

e) Principal wise harassment kept in pages 30.....31.....32.....33.....

Therefore humbly requested your good self.

- 1) Pay all my financial dues along with interest and pay compensation for mental agony .
- 2) For career loss 'appoint in an equivalent post of dist. Co-ordinator /Principal Of APSWREIS in my home town srikakulam or near by places (Because 16 years of my service I have been serving outside of my home town and state whereas remaining employees serving 10 to 20 years in same station and in home town enjoying).
- 3) For illegal transfers in 1996 ,2003,2005 and illegalaties of transfers in 2002 ,2004 & 2005 pay compensation for prolong harassments since 1995 to my family members and myself .
- 4) Kindly remove all unnecessary memo's and advise notes from my personal file .
- 5) Clarify based on which leakage representations transferred me to Agatala .
- 6) kindly put up the rule for "Compulsory transfer for 5 years in plain or 3 years in north east region to all employees of KVS who completed the service 8 years in this same station (Because 10 – 20 years long staying employees playing polities ,doing Corruption and troubling non local employees.)
- 7) Kindly put up rule for "any employee should not work more than 8 years in a station / 12years in a cluster /20 years in a region .
- 8) And kindly take action against principals of KV Kunjaban ,KV 2NSB ,KV Salua , KV steel plant VSP and KV SRIKAKULAM for intentional Harassments .(Principal wise harassments kept in page30.....31....)

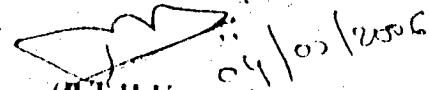
I humbly request you sir , kindly go through all my appeals and CD documentary ,according to article 158 "Redressal of grievance " take decisions as quick as possible before 6th March .For which kind of act I will be grateful to you.

Thinking you Sir ,

Station :- KV onge Agartala

Date :- 04-02-2006

Yours faithfully


(P.T.H Kumar)
M.A(His & Eng);M.Ed;PGDGC;FA(FTII, Pune)

From :
P.T.H.Kumar, TGT(sst)
Kendriya Vidyalaya ONGC,
ONGC Complex,
Agartala, Tripura State.

46
Annexure-5
60

To
The Honourable Grievance Officer,
KVS, New Delhi.

And

To
The Grievance Officer Regional Office of KVS,
Silchar/Hyderabad/Bhubaneswar.

Sub:- Reminder to dispose of the application dated 12.7.2005 in Grievance cell.
according to Judgement of Tripura State permanent Lok Adalat.

Dear Sir,

With humble submission and respect I would like to represent the following matter to your kind consideration and early favourable action.

I submitted number of appeals to KVS on 16.9.04, 24.11.04, 14.02.05, 04.03.05, 26.04.05, 03.06.05, 12.07.05, 08.11.05, 21.11.05, 03.01.06 for getting justice in the matters of career loss, transfers loss, financial loss and mental torture etc. But the KVS did not take any action till date. Even the grievance cell of KVS also did not take any action inspite of repeated approaches. Then I appeals honourable "Tripura State permanent LOK ADALAT". The Honourable Lok Adalat requested to the Grievance Officer, KVS to hear the petitioner and dispose of the application dated 12.7.2005 sent by the petitioner.

The same Judgement copy alongwith representation with 91 pages of xerox of evidences sent through proper channel on 04/02/2006. And on 26.01.06 sent all appeals & CD Documentary by a Register post to you. But till date I have not received any relief from your kind end.

I humbly request you Sir, kindly go through my appeal and CD documentary and take decisions as early as possible. For which kind of act I will be grateful to you.

Thanking you Sir,

Yours faithfully,

(P.T.H. Kumar)

M.A.(His. & Eng.) M.Ed. PGDGC, FA(FU), Bunc.

Station : KV ONGC, Agartala
Date : 03.03.2006.

Enclo:- 1) Xerox copy of Lok Adalat Judgement.
2) Xerox copy of Representation dt. 12.07.2005.
3) Xerox copy of Representation dt. 04.02.2006.
4) Principal wise harassment.

Attn: Mr. J. A. Haroowat

APPENDIX - 9

INCENTIVES FOR SERVING IN REMOTE AREAS

I.G.I., M.R., 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, I.G.I., M.R., 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/85, dated the 1st April, 1985, O.M. No. 20014/3/83-E, IV, dated the 29th October, 1986, O.M. No. 20014/3/83-E, IV/2, 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 and O.M. No. 11 (2)97-E, II (B), dated the 22nd July, 1998. }

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-B Council, when they are stationed in the N-E Region and to the civilian Central Government employees including officers of All India Services posted to Sikkim.

✓ (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 3rd 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.

✓ (ii) Weightage for Central deputation/training abroad and special mention in Confidential Reports:

Satisfactory performance of duties for the prescribed tenure in the North-East 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 abroad.

Attest
Smt. Rekha

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Annexure-6

APPENDIX

INCENTIVES FOR SERVING IN REMOTE AREAS

541

The general requirement of at least three years service in a cadre post between two Central tenure deputations may also be relaxed to two years in deserving cases of meritorious service in the North-East.

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

Cadre authorities are advised to give due weightage for satisfactory performance of duties for the prescribed tenure in the North-East in the matter of promotion in the cadre posts, deputation to Central tenure post and courses of training abroad.

(iii) Special (Duty) Allowance:

Central Government civilian employees who have All India transfer liability will be granted Special (Duty) Allowance at the rate of 12 1/2 % of basic pay on posting to any station in the North-Eastern Region. Special (Duty) Allowance will be in addition to any special pay and/or deputation (duty) allowance already being drawn without any ceiling on its quantum. The condition that the aggregate of the Special (Duty) Allowance plus Special Pay/Deputation (Duty) Allowance, if any, will not exceed Rs. 1,000 per month shall also be dispensed with from 1-8-1997. Special Allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

The Central Government civilian employees who are members of Scheduled Tribes and are otherwise eligible for the grant of Special (Duty) Allowance under this para, and are exempted from payment of Income Tax under the Income Tax Act, also draw Special (Duty) Allowance.

NOTE 1.— Special duty allowance will not be admissible during periods of leave/training beyond 15 days at a time and beyond 30 days in a year. The allowance is also not admissible during suspension and joining time.

NOTE 2.— Central Government civilian employees, having 'All India Transfer Liability' on their posting to Andaman & Nicobar Islands and Lakshadweep Islands are, with effect from 24th May, 1989, granted 'Island Special Allowance' in lieu of 'Special (Duty) Allowance'. See Orders in Section V of this Appendix.

(iv) Special Compensatory Allowance:

The recommendations of the Fifth Pay Commission have been accepted by the Government and Special Compensatory Allowance at the revised rates have been made effective from 1-8-1997.

For orders regarding current rates of Special Compensatory allowance—See Part V of this Compilation - HRA and CCA

(v) Travelling Allowance on first appointment:

In relaxation of the present rules (SR 105) that travelling allowance is not admissible for journeys undertaken in connection with initial appointment, in

6

From :
PT.H. Kumar
TGT (sst.)
Kendriya Vidyalaya - I,
Agartala, Tripura State.

To :
The Central Grievance Officer,
Kendriya Vidyalaya Sangathan,
18 Institutional Area,
Shahbad Jctt Singh Marg.,
New Delhi - 110016.

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Annexure-7 (series)

62

**Sub : Seeking Social Justice for prolong harassments since 1995 in the
matters of career loss, transfers loss, financial loss & mental torture
...regarding.**

Respected Sir,

At the outset I beseech your kind permission for me to submit my appeal
before your kindself.

On 16-09-2004, 24-11-2004 & 14-02-2005 I sent appeals to the commissioner, KVS for Social Justice through proper channel. I am sending my documentary CD & evidence documents for detail information & harassments in the matter of career loss, transfers loss, financial loss & mental torture. I submitted for your kind information, perusal and necessary action for Social Justice. Kindly do Social Justice as early as possible. Because for my 81 years mother, my two daughters & state Govt. employed my wife have been suffering much in Andhra Pradesh since May 2003. More ever I am surplus in this school from April 2005, so kindly do the Social Justice as early as possible. For which kind of act I will be grateful to you.

Thanking you.

Station : Agartala

Date : 04-03-2005.

You're faithfully,


(P.T.H. Kumar)

For interest of Social Justice sending CD Copies to :-

1. Honourable Chief Justice of India, Supreme Court
2. Honourable Prime Minister of India.
3. Honourable Minister of HRD,
4. All Honourable Central Ministers who represented from Andhra Pradesh.
5. The Secretary, Ministry of HRD.
6. All Kendriya Vidyalaya higher Officers.

*After Sir
See
Private*

From
P.T.H Kumar,
TGT (sst.)
Kendriya Vidyalaya -1,
AGARTALA.

To
The Deputy Commissioner (Perl).
Kendriya Vidyalaya Sangathan,
New Delhi.

Sub: Requesting for change of place in surplus grounds and do social justice for prolong harassments ... regarding.

Respected Sir,

At the outset I beseech your kind permission for me to submit my appeal before you.

I have been posted to KV No. 1, Agartala w.e.f. 02-05-2003. On 16-09-2004, 24-11-2004, 14-02-0-2005 & 26-04-2005 I appealed representations to KVS for career loss, transfer loss, financial loss and mental torture. But from KVS, I have not got any justice.

Later I got transfer to KV. ONGC, Agartala on surplus grounds. I have 81 years aged mother, she is bed-ridden and helpless. My wife working as a teacher in Vizianagaram dist. in Zilla Praja Parishad (A. P. Govt.). And they were residing in Vizianagaram along with my two daughters. They were depended upon me.

So I humbly request you to consider my case with sympathy, and transfer me to Visakhapatnam/ Hyderabad/ Bhubaneswar/ Chennai/ Pune or any other near place. And kindly do justice for unnecessary loss of my career. For which kind of act I will be grateful to you.

Thanking you,

Place: Srikakulam

Date: 03-06-05

Yours faithfully,

Enclosed: Evidence zerox copies.

(P.T.H. Kumar)

Attest
Jais
Advocate

From
P.T.H. Kumar

T.G.T (sst.)

Kendriya Vidyalaya ONGC
Agartala

50 -

Annexure-7 (series)

64

To
The Grievance Officer,
Kendriya Vidyalaya Sangathan,
New Delhi

Sub: Seeking Justice for unnecessary harassments since 1995 in the matters of career loss, transfers loss, financial loss and mental torture... regarding

Respected Sir,

At the outset I beseech your kind permission to submit my appeal before your kindself.

1. I am working as TGT (sst.) in Kendriya Vidyalaya ONGC Agartala and I have been posted to North East Region w.e.f. 02-05-2003. I am post graduate in History and English, M.Ed; P.G. Diploma in Guidance and Counselling; Andhra Pradesh State Medalist in Athletic Sports. I have produced 100% results from 1996 to 2005 in class X CBSE Exams. And I have the honour to be the first person from KVS selected for "Film Appreciation Course" conducted by "National Film Archive of India" and "Film and Television Institute of India" under ministry of Information and Broadcasting, Government of India.
2. Career Loss : In my 15 years service I have not received any charge sheet or notice regarding any case till date.
 - (a) In 1997 August I applied for the post of DIST. CO-ORDINATOR in A.P. Open School Society. The Principal Mr. M.V.R.K. Sastry wrote on the application that a disciplinary case is pending. After two years the same Principal had stated that no disciplinary case was pending. Due to all false alligations, I lost my bright career for 2 years.
 - (b) Again in 2002 December I applied for the post of Principal in A.P.S.W.R.E.I.S. The Principal gave the certificate only on the last minute of 16-12-2002, which was the last date for submission and I lost an opportunity to submit the application.

*Affected
Galt
Parivarak*

(g) In KV, Kunjaban and KV, Salua also I applied for a higher posts but the Principals not followed the norms of KVS. So I lost bright opportunities.

3. **Transfers Loss** : I got injustice in transfers 2005, 2004, 2002 and 1996 years. Without stated any reason given punishment transfer to North East Region for 3 years.

(a) In my transfer letter (16-04-2003) stated as transferred on PUBLIC INTEREST. The Principal in his letter (16-07-2004) stated as "transferred on ADMINISTRATIVE GROUNDS" the said letter (18/19-06-2003) was given to me on my request on 18-11-2004 only. In that letter clearly mentioned as "to deliver to the applicant under acknowledgement." But the Principal not taken any acknowledgement and not delivered the important letter through proper channel in time.

I wish to bring your kind notice, my transfer from Andhra Pradesh to Tripura state (Agartala) done by unfair politics and plans of Mr. G.V. Ramana, Mr. Anand Rao, Mr. M.V.R.K. Sastry, Mr. Bal and others. For this I appealed on 25th January 2003. But KVS not done impartial open enquiry, the enquiry was completely one sided, without following CCA CONDUCT RULES 1965, without cross examining the witnesses, without giving the enquiry report, without following husband and wife G.O., by force all of sudden sent me to Agartala. The entire transfer process was illegal, undemocratic and by force. The transfer done on the basis of leakage papers. For my transfer from August-2002, they have done many plans, at last April, 2003 they have succeeded. The enquiry completely turned up the case wrong way. The enquiry totally showed the partiality. Mr. MVRK Sastry had worked as PGT (English) in K.V. Kunjaban some time in the past. And I was transferred to the same school by the influence of Mr. M.V.R.K. Sastry only to give continuous harassments to me through his friends.

(b) Further, your kind attention is requested to the following incidents in which the undersigned had been mentally tortured by the previous Principal Mr. M.V.R.K. Sastry of K.V. 2, Nausenabad, when I applied for request transfer 28-09-2002, my application was forwarded by Principal stating that disciplinary case is contemplated against me. The said case is dated : 27-09-2002, Letter No. IPF-PTH/2002-03/KV-II(NSB)820. Though I did not apply for the post of Education Officer in 1997 as claimed by the Principal, he made false allegation against me.

(c) In 1996 injustice was done to me by KVS in the matter of transfer. As per the

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b6

page no 3

transfer order date : 05-08-96 by KVS/ HQ. I was transferred to K.V. Steel project, Visakhapatnam. Though I reported at K.V. Steel Project Visakhapatnam, I was forcibly sent to KV No.2 NSB.

(d) In February 2005, KV. Kunjaban Principal not allowed me to apply for transfer to my home town. In 2004-05, session in KV Kunjaban, there is no D section, all D section classes are adjusted with other classes, D sections shown on the records only, there was no any facilities for D section opening, no students or no teachers for D sections. Even time table of D sections not made. But in April 2005 on the papers shown as D sections closed in KV. Kunjaban. Due to this administration problems, I got double punishment as I got surplus transfer to KV. ONGC Agartala. It was a financial loss of government.

4. Financial Loss :

(a) 5th Pay Commission arrears till date not paid for the period of January 1996 to August 1996.

(b) My increment for one year (1996-97) was withheld for one year without any reason.

(c) Again my increment for the year 2003 was also withheld for 3 months without any reason.

(d) Interim Relief and D.A. arrears of July to September, 1993 at KV. INS Kalinga not paid till date.

(e) I.R. arrears of period of September 1993 at KV Salua, not paid half off arrears till date.

(f) Double H.R.A. allowance from 21-04-2003 to 29-02-2004 at KV-I, Agartala intentionally withheld for some months by Mr. M.V.R.K. Sastry's friends.

(g) Due to mental harassment and politics myself not able to complete the PGDCA course in Andhra University, Visakhapatnam in 2003, which was taken permission from the department.

(h) Due to false administrative grounds myself missed the bright abroad opportunity of KV, Tehran, Iran in 2004.

5. **Mental Torture** : Since 1995 myself and my family members are getting mental tortures in the forms of unnecessary memo's, unnecessary transfers, false allegations and intentionally created by unwanted situations. For this I expressed in my documentary film and representations of my family members and myself.

I humbly request for your goodself to give justice for above as early as and appoint in an equivalent post of Dist. Co-ordinator / Principal of APSWREIS in my home town Srikakulam or nearby places, because for more than 15 years of my service I have been serving outside my home town and the state. Any pay compensation for prolong harassments since 1995 to my family and myself. If it is not possible at least transfer me to KV, Waltair or Srikakulam immediately within a month to serve my 82 years old mother. It gives consolation to her last years of life. And kindly provide all enquiry reports and complaints against me which was unknown to me till date. For which kind of act I will be grateful to you.

Thanking you Sir,

Yours faithfully



12/07/2005
(P.T.H. Kumar)

T.G.T. (sst)

KV. ONGC, Agartala

Station : Silchar

Date : 12-07-2005

Enclosures :

1. 110 xerox copies of evidence
2. Documentary film CD.

Copy to : The Asstt. Commissioner, KVS, Silchar Region for your kind information and favourable action.

10
The Principal,
KV, ONGC,
Agartala, Tripura State.

Sir,

Sub: Submission of transfer form.

In per new transfer guidelines 2006 and instructions
of KVS (Hqrs) to Annual request transfer, I am submitting
my application in quadruplicate to Inter Region transfer
in time. I request you Sir, kindly take action according
to letter dated 14-03-06 of JC (Admn), KVS (Hqrs) "Principals
should forward the applications to R.R. as and when
received, after completing the formalities, instead of
waiting for the last date."

Thanking you.

Station: KV, ONGC
Agartala.

Yours faithfully



(P.P. Mukherjee)

27/3/06
KVS (Hqrs)

COPY TO: Joint Commission (Admn.)
KVS (Hqrs), New Delhi.

Received 04 (four) books
Sets of regd
Official copy of JC
27/3/06

Notified
All parts Admitte

d) Person who have completed their tenure in

Priority areas : (Y/N)

e) Others (See Instructions for following Codes):

Category Code Division Code

(i) V H S

0 4

Entitlement Points

Applicable
(Y/N)

1 0

3 3

(ii) N D I R T

0 5

3 0

1 4

(iii) P C E

0 6

2 0

1 2

(iv) P W S

1 5

1 0

1 5

(v) L N S

0 7

1 5

1 8

(vi) S P S

1 3

1 0

1 8

(vii) L A H I

1 4

1 0

1 8

Total :

4 0

3 3

7. For Office Use only (To be filled in by Regional Office)

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

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

C) Case of LTR verification done (Y/N)

D) Whether Person completed tenure in Priority areas verification done (Y/N)

Dated

Signature of Assistant Commissioner

Note: MDG/DSP/LTR/VHS/HS/NER verification certificate may kindly be filled up at RO level properly.

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

Instructions : Employees are eligible to apply either for Intra Station or Inter Station (within the Region) SLNo. 8.1/8.2 OR Inter Region Transfers (outside the Region) SL.No. 8.3. Applications filled in for more than one type of transfers i.e. SL.No. 8.1, 8.2 and 8.3 will be summarily rejected.

8.1 For Intra Station transfer - Choice Vidyalayas
[within the same station (within the Region)]
(Please see instructions)

K.V./ Office Code

STATION Code

STATION Code

2	8	1	6	1
2	8	1	2	1
2	8	1	6	1
2	8	1	6	1

1	0	1	1	1
---	---	---	---	---

1	9	1	1	1
---	---	---	---	---

1	8	1	1	1
---	---	---	---	---

Please fill up code

Please fill up code

9. Category of place where spouse is working

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

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

12. Type of disease certified in the MC overleaf

13. Relationship of the patient with the applicant

14

In case you want to be transferred on mutual basis, in the same category, please specify the name of the counterpart, his/her Region / Station / KV code, post / subject, whether he/she also has applied now for mutual transfer.

(a) Name of the counterpart

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

(b) Title : Shri/Smt./Miss:

1	2	3	4	5
---	---	---	---	---

(c) Whether Male/Female

1	2
---	---

PRESENT K.V. CODE/ OFFICE CODE

1	2	3
---	---	---

POST/HOLD

1	2	3
---	---	---

& SUBJECT

1	2	3
---	---	---

1	2
---	---

1	2	3
---	---	---

(1 FOR 1 SHIFT &
2 FOR 2 SHIFT)

15. *Whether counterpart has also requested for mutual transfer. Please state Yes / No (Y / N)

Note: *In case the applicant or his/her counterpart is found to be excess to requirement situation, as per transfer guidelines he/she should declare the fact about the same and in the said circumstances, mutual transfer may not be a feasible proposition.

I, Shri/Smt./Kum. P.T. H. Kulkarni S/o W/o D/o P. Lokanarayana hereby affirm that the information given in Sl.No. 01 to 15 excepting Sl.No.7 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.

I also hereby declare that I am/am not working in excess to requirement in the present Vidyalaya.
(Please strike out whichever is not applicable)

Place: KV, ONGC, Agarkala

Signature: PT. H. Kulkarni

Date: 27-03-06

Name: P.T. H. Kulkarni

Remarks: Principal of the Vidyalaya in which the applicant is working should state:

- whether the teacher/staff member is working in excess to the sanctioned staff strength in the Vidyalaya in the column given hereunder.
- Whether the teacher/staff member has completed tenure in Priority Areas i.e. NE/R (including Sikkim)/A&N Island/Hard Station/Very Hard Station (Y/N)

If Yes, number of completed years

1	2	3
---	---	---

Whether the applicant is surplus or not. State Yes/No (Y/N)

1

Signature of the Principal

DECLARATION

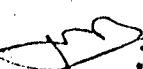
(Kindly fill the Information in bold letters. Strike out whichever is not applicable)

1. **P.T.H. KUMAR** solemnly declare that my spouse **P. SRIDENI** is presently Employed at/under orders of transfer to **KOTTAVALASA, VIZIANAGARAM** State: (Place) as **SCIENCE ASST.** (Designation) in **Z.P.H. SCHOOL, KOTTAVALASA** (Dept./unit/branch) since **2001**

(Date). His/her full office address with Name and Designation of immediate superior/detail of self-employment is as follows:

Name and Office/Registered Business
Or Professional Address of Spouse**P.SRIDENI**
Z.P.H.SCHOOL, KOTTAVALASA
VIZIANAGARAM, DIST(CAR.)Name and Address of Immediate Superior Officer
or Registration No. of Business/Profession**MR. K. RAJDESHWAR**
HEADMASTER, Z.P.H.SCHOOL,
KOTTAVALASA, VIZIANAGARAM, DIST(CAR.)

Signature of the Employee

Name
Designation P.T.H. Kumar
TGT (SSLC)For Office use only in Kendriya Vidyalaya
(Strike out whichever is not applicable)

- *Disciplinary case is pending/contemplated/ not pending/not contemplated against Shri/Smt./Kum.
- *The Medical Certificate/declaration given in the application itself is from the competent authority.
- *Certified that the details including entitlement points furnished by the applicant have been verified from the service records and found correct.
- *She/he was on leave/absent/absent without pay during _____ and is still away/not away from duty. (Period)

Signature
Name of the Principal
Office Seal

Note: 1. Sl.No. 1 to 6 and 8 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.

- Assistant Commissioners have to ensure that the correct required points are given in Sl. No. 6(e), 7 and implement note 1 above in letter and spirit with respect to entries to be checked by the respective Principals within their Region
- GPF/CPF Account Number also to be checked.

DECLARATION

(Kindly fill the Information in bold letters. Strike out whichever is not applicable)

P.T.H. KUMAR solemnly declare that my spouse **P.SRIDENI** is a duly Employed at ~~under-indepen~~ ~~under-indepen~~
 transfer to ~~KOTTAVALASA, VIZIANAGARAM~~ ~~DIST. (A.P.)~~ ~~Place~~ **SCIENCE ASST.** (Designation) in ~~....~~
~~2.P.H.SCHOOL, KOTTAVALASA~~ ~~Dept./unit/branch~~ since ~~2001~~

(Date). His/her full office address with Name and Designation of immediate superior officer and his/her present place as follows.

Name and Office/Registered Business
 Or Professional Address of Spouse

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

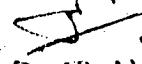
P.SRIDENI

MR. K. PAJJI THALLI

2.P.H.SCHOOL, KOTTAVALASA
VIZIANAGARAM, DIST. (A.P.)

HEADMASTER, 2.P.H.SCHOOL,
KOTTAVALASA, VIZIANAGARAM DIST. (A.P.)

Signature of the Employee

 20.03.06
P.T.H. Kumar
 TGT (SSB)

Name
 Designation

For Office use only in Kendriya Vidyalaya
 (Strike out whichever is not applicable)

*Disciplinary case is ~~existing~~ ~~contemplated~~ / not pending/not contemplated again.
 Shri/Smt/Kum. **P.T. HIRISH kumar**

2. *The Medical Certificate/declaration given in the application itself is from the competent authority **N/H**

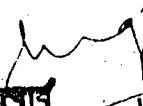
3. *Certified that the details including entitlement points furnished by the applicant are as certified from the concerned records and found correct.

4. *She/he was on leave / absent/absent without pay during

N/H
 (Period)

S.
7.

Signature
 Name of the Principal
 Office Seal


PRINCIPAL
KENDRIYA VIDYALAYA
AGARTALA
 20.03.06
 (S. SARANY)

Note: 1. Sl.No. 1 to 6 and 8 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 duly countersigned. 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. 6(c), 7 and supplement note 1 above in letter and spirit with respect to entries to be checked by the respective officers within their Region.

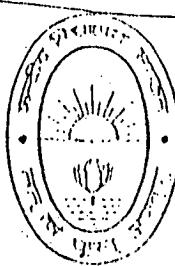
3. GPF/CPF Account Number also to be checked.

* He was transferred from K.V. No. 2, Narasinghpur to K.V. no-1, Ranjaban, Agartala on administrative ground in terms of clause 5(i) of transfer guide. However he has completed his tenure in Agartala (i.e. priority area). 
 After J. J. Jaiswal
 Advocate

(Extract)

Annexure - 9

- 61 -



EDUCATION CODE FOR KENDRIYA VIDYALAYAS

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

Alleged
First
Petitioner

2. To liaise and monitor for quick disposal of all the grievances referred by SC/ST Commission/Ministry of HRD/ Prime Minister's Office.
3. To maintain liaison with the Chief Grievances Officer at KVS Hqrs. and other appropriate authorities for supply of required information, answering queries and clearing doubts.
4. To allow personal hearing to the aggrieved SC/ST employees of the Sangathan, if so requested, for quick disposal of the grievances.

Article 160. CELL FOR REDRESSAL OF SEXUAL HARASSMENT COMPLAINTS BY WOMAN EMPLOYEES :

In terms of the guidelines and the norms laid down by the Hon'ble Supreme Court of India and the Government of India's decision No.25 under Rule 3-C of the Central Civil Services (Conduct) Rules, 1964 as applicable to the employees of the KVS, a Committee shall be constituted at the KVS(HQ) and one each in all Regional Offices for the redressal of complaints of the woman employees alleging sexual harassment.

The Committee shall consist of one woman officer of the Sangathan/Region, one representative of an N.G.O. working in the field of women's welfare and one more officer.

The Committee set up at the KVS(HQ) shall look into complaints received against Group 'A' officers of the KVS(HQ), Regional Offices and Kendriya Vidyalayas and against all other 'B', 'C' and 'D' category employees working in the KVS Headquarters. The complaints against all other 'B', 'C' and 'D' category employees will be looked into by the Committees set up in Regional Offices in respect of employees of that Regional Office and Kendriya Vidyalayas coming under its jurisdiction.

APPENDICES

CHAPTER - XIX

SERVICE ASSOCIATIONS/Joint CONSULTATIVE MACHINERY AND GRIEVANCE REDRESSAL

Article 157. SERVICE ASSOCIATIONS AND JOINT CONSULTATIVE MACHINERY :

Detailed regulations governing recognition of service associations shall be as given in Appendix XLII(A). To promote harmonious relations and to secure the greatest measure of cooperation between the Sangathan and its employees in matters of common concern, a scheme of Joint Consultative Machinery shall be introduced at the Headquarters and Regional levels. The essential features of the scheme for setting up such a machinery shall be as given at Appendix XLII(B) and (C) respectively.

Article 158. REDRESSAL OF GRIEVANCES :

Pursuant to the instructions issued by the Department of Administrative Reforms and Public Grievances, Government of India, Ministry of Human Resource Development and Kendriya Vidyalaya Sangathan, Grievance Cells shall be created for the redressal of public/employee grievances at the KVS, H.Qrs., and in all Regional Offices. The salient features shall be as under:-

- 1) A Central Grievance Cell shall function at the KVS H.Qrs., with the Deputy Commissioner (Personnel/Administration) as the Central Grievances Officer.
- 2) Each Regional Office shall have a Regional Grievance Cell and one of the Education Officers of the Region concerned shall function as the Regional Grievances Officer.
- 3) The main responsibility of the Grievances Officers at the KVS, H.Qrs. and the Regional Offices shall be to attend to the grievances of the employees/public received through personal representations, communications, newspapers and such other various sources. All the grievances received in the office shall be clarified meticulously and the Grievances Officer will take decisions on grievances as quickly as possible, if need be.

grievances shall be referred to the officer/department concerned for a quick decision and redressal.

- 4) With a view to providing opportunity to the employees and the public to meet the Regional Grievances Officer on a fixed day, the Assistant Commissioner/Grievances Officer shall, to the extent possible, remain at the Headquarters on Wednesdays and keep apart two to three hours during the day for meeting the employees/public for presentation of their grievances.
- 5) Sometimes grievances are also reported in the newspapers. Such grievances shall also be taken into account and redressed as quickly as possible. In case the matter relates to the Headquarters, the same shall be brought to the notice of the Central Grievances Officer.
- 6) A quarterly report shall be prepared to monitor the progress of disposal of public grievances. The Regional Offices will send the quarterly return in this regard by the 2nd of the month following the quarter ending in March, June, September and December, and the KVS H.Qrs. shall send the consolidated returns to the Ministry by the 6th of the month.

Article 159. CELL FOR REDRESSAL OF GRIEVANCES OF SC/ST EMPLOYEES OF KVS :

In order to ensure due consideration and timely redressal of the grievances of the employees of KVS belonging to SC/ST categories and to comply with the orders issued by the Govt. of India from time to time in this regard, a committee comprising the following officers shall be constituted at the KVS(HQ):

i) Dy. Commissioner (Admn.)	: Convenor
ii) Section Officer dealing with grievances	: Member
iii) Official concerned dealing with grievances	: Member

The duties and functions of the Committee shall be as Under:

1. To consider grievances received from SC/ST employees of KVS and their quick disposal.

64-**PENDING GRIEVANCES**

The Assistant Commissioners were asked to comply with the instructions issued by the MHRD in April 2005 for redressal of pending grievances expeditiously. It was directed that periodical reports must be sent to KVS[HQ] by due date i.e. 3rd day of each following month. It was also clarified that requests for transfer and matters which are pending in courts for adjudication do not constitute grievance. These cases be disposed of immediately by giving appropriate reply and should not be reflected in the statement of pending grievances.

Matters relating to regularization of intervening period, grant of transport allowance to physically handicapped, stepping of pay, grant of Sr Scale/ Selection scale should be disposed of immediately. Staff of closed project sector schools who have not been paid arrears as yet, should be paid their dues after obtaining an affidavit from them to the effect that they have not been paid the same. Transfer TA cases in respect of teachers who have not yet joined may be settled immediately. Assistant Commissioners should report compliance on settlement of pending grievances, as decided, by 28th February, 2006.

The Assistant Commissioners were also asked to send a consolidated list of grievances which have been referred to KVS[HQ] to Deputy Commissioner [Pers] through e-mail by 15th February, 2006 for taking up individually with the concerned Divisional Heads for early settlement.

6. Building as a Learning Aid:

No. 28034/2/97-Estt.(A)

Government of India

Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)New Delhi, the 12th June 1997.

OFFICE MEMORANDUM

Sub: Posting of husband and wife at the same Station.

The undersigned is directed to say that on the subject mentioned above, Government has issued detailed guidelines vide O.M. No. 28034/7/86-Estt.(A) dated 3.4.1986. The Fifth Central Pay Commission has now recommended that not only the existing instructions regarding the need to post husband and wife at the same station need to be reiterated, it has also recommended that the scope of these instructions should be widened to include the provision that where posts at the appropriate level exist in the organization at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are 10 years of age.

2. The Government, after considering the matter, has decided to accept this recommendation of the Fifth Central Pay Commission. Accordingly, it is reiterated that all Ministries/Departments should strictly adhere to the guidelines laid down in O.M. No. 28034/7/86-Estt. (A) Dated 3.4.86 while deciding on the requests for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till their children are 10 years of age, if posts at the appropriate level exist in the organization at the same station and if no administrative problems are expected to result as a consequence.
3. It is further clarified that even cases where only the wife is a government servant, the concession elaborated in para 2 of this O.M. would be admissible to the government servant.

*Affected
Family
Personnel*

-66-

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4. These instructions would be applicable only to posts within the same department and would not apply on appointment under the Central Staffing Scheme.
5. A copy of this Department's OM No. 28034/7/86-Estt. (A) Dated 3.4.86 is enclosed for ready reference and guidance.
6. Hindi version of the OM is enclosed.

Sd/- Illegible
(Harinder Singh)
Joint Secretary to the Govt. of India
Tel. No. 301 1276

To

1. All Ministries/Departments of the Government of India.
2. Department of Women & Child Development.
3. The National Commission for Women, 4, Deendayal Upadhyay Marg, ITO, New Delhi.

October, 2004

44

Swamy's views

knowledge of Hindi during their probation period, so that the candidates learn Hindi willingly during their probationary period.

4. The progress with regard to implementation of the recommendation of the Committee may be reported to the Department of Official Language.

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*G.I., Dept. of Per. & Trg., O.M. No. 372/30/2004-AVD. III,
dated 13-8-2004*

**Strengthening of Vigilance Machinery in Public Sector
Undertakings and grant of incentives to Chief Vigilance Officers**

Ref. (i) DoPT's O.M. No. 378/3/98-AVD-III, dated 11-4-2000.
(ii) DoPT's O.M. No. 372/8/99-AVD-III, dated 18-1-2001.
(iii) DoPT's O.M. No. 372/5/2000-AVD-III, dated 14-6-2001.
(iv) DoPT's O.M. No. 372/5/2000-AVD-III, dated 5-9-2002.

The undersigned is directed to refer to this Department's O.M. No. 378/3/98-AVD-III, dated 11-4-2000 and also to the O.M.s under reference and to clarify that the grant of Special Allowance of 15% to CVOs posted in non-metropolitan cities is meant only for those Chief Vigilance Officers (CVOs) who opt for their grade pay. CVOs who opt for the pay of the post are not eligible to get special allowance.

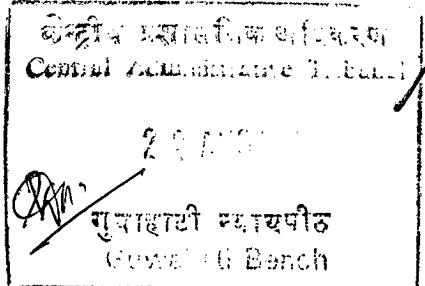
319

*G.I., Dept. of Per. & Trg., O.M. No. 28034/23/2004-Estt. (A),
dated 23-8-2004*

Posting of husband and wife at the same station

The undersigned is directed to say that the policy of the Government has been to give utmost importance to the enhancement of women's status in all sectors and all walks of life. Keeping this policy in view, the Government had issued detailed guidelines about posting of husband and wife at the same station *vide* O.M. No. 28034/7/86-Estt. (A), dated the 3rd April, 1986 and O.M. No. 28034/2/97-Estt. (A), dated the 12th June, 1997 (*Sl. Nos. 370 and 224 of Swamy's Annual, 1986 and 1997 respectively*). Attention of the Government was drawn that the instructions contained in these Office Memoranda are not being followed in letter and spirit by the Ministries / Departments even when there were no administrative constraints. Accordingly, it is impressed upon all Ministries / Departments that the guidelines laid down in the aforesaid Office Memoranda are strictly followed while deciding the request for posting of husband and wife at the same station.

*After 1st
Jan.
November*



Filed by the Respondent
Through M.K. Majinder
M. A. Advocate
17.7.06
82

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

Misc. Petition No. 57/06

Ex

O.A. No. 127/2006

Shri Pillala Tirumala Harish Kumar,
.... Applicant.

- Vs -

Union of India & Ors.

.... Respondents.

In the matter of :

Written statement filed by
the Respondent.

- And -

In the matter of :

Transfer Order No. F. 4-1/TGT
(Sos.St.) 2006/KVS (Estd.-II)
dated 14.7.06.

- And -

In the matter of :

The Assistant Commissioner,
K.V. Sangathan, Regional Office,
Silchar.

.... Respondent.

The humble Written Statement
of the above named Respondents

contd.... p/2.

MOST RESPECTFULLY SHEWETH :-

- 1) That the Respondent states that on receipt of the copy of the application the competent authority have forwarded the parawise comments which is filed as under :-
- 2) That save and except whatever is specifically admitted in the written statement, the averments and statements made in the application may be deemed to have been denied.

Preliminary submission

- 3) That Kendriya Vidyalaya Sangathan is a body setup by the Ministry of Education Government of India and registered as a society under the Society Registration Act XXI of 1960 (referred as the "Sangathan"). For the functioning of the Sangathan a Board of Governor has been constituted and Education Code has been deduced in writing to provide rules and regulations for the Kendriya Vidyalaya.

The K.V. Sangathan has issued New Transfer Policy guidelines which came into force w.e.f. ~~1.1.06~~ - 14.3.06. All employees of K.V. Sangathan are liable to be transferred and posted at any time and for any period as requirements of public service as Sangathan may dictate Transfer and Posting are a right of the Sangathan and would endeavour to exercise in the best interest of the students.

contd.... p/3.

These guidelines regarding transfer are meant essentially for the use of the Sangathan and do not vest any employee with any right.

Objectives of the Sangathans transfer policy are :-

- i) To deploy available stuff in an optimum manner so that stuffs are evenly distributed accross region and schools with special regard to the students in priority areas.
- ii) To maximise the overall satisfaction level of its employees subject to the paramount need to protect academic interest of students.
- 4) That the Sangathan has established Kendriya Vidyalaya at different stations in the Country and abroad.

Parawise Comments :-

- 5) That with regard to the statements made in the paragraphs 1, 2 and 3 of the application the respondent begs to offer no comments.
- 6) That with regard to the statement made in paras 4.1 to 4.9 of the application the Respondent state and submits that these are matter of records. The applicant, since transferred to Agartala once approached to the CAT Hyderabad Bench challenging the said order of transfer and the same was dismissed since the Applicant could not establish his case.

7) Thereafter, since joining at Agartala approached Local Lok Adalat with various grievence inter alia for settlement of claim for arrears, increments, HRA etc. in this regard the respondent states that this matters are on active consideration for an early settlement.

8) The further claim of the Applicant to transfer him/reposting at choice station at Vishkapatnam which he initiated soon after joining at new place of posting at Agartala. In this regard it is stated that as per existing transfer policy 2003-2004, 2004-2005 he was considered and in the current year Application for transfer on request 2006-2007 under new transfer policy which came into effect on 14.3.06 his application was forwarded by the Regional Office to KVS (Hqrs.) along with other applicants of the Region since received under endorsement from the Principal dated 14.4.06. But without confirming from the priority list so prepared & published as per schedule date mentioned in the Transfer guideline have filed this O.A. 127/06 without any basis.

However, as communicated from the Regional Office the vacancy position submitted by K.V.S. Hyderabad Region 04 vacancies of TGT (S.St.) at different schools of Vishakapatnam station existed, and

As per priority list displayed in KVS website Shri P.T.H. Kumar got priority I in the station of his choice.

9) That the Respondent states that considering his priority position the Applicant has already been transferred to K.V. Vishakapatnam Nausenbagh vide Transfer Order No. F. 4-1/TGT(Sos.St.)2006/KVS (Estt.II) dated 14.7.06 and as such the relief sought for by the applicant is fulfilled.

10) The Respondent further states that the Applicant is already being released from Agartala for joining in the new place of posting and the O.A. as such became infructuous.

11) That considering the facts and circumstances of the case the O.A. may be disposed.

12) That the Written Statement is made bonafide and for the ends of justice.

Verification....

67

AFFIDAVIT

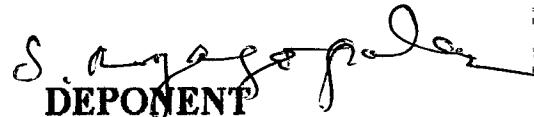
VERIFICATION

I Shri S. Rajagopalan, Son of Sesham achariar, aged about 58 years, presently working as Officiating Assistant Commissioner in the Regional Office of Kendriya Vidyalaya Sangathan, Khanapara, Guwahati, do hereby solemnly affirm and declare as follows :

1. That I am the Officiating Assistant Commissioner of the Kendriya Vidyalaya Sangathan, Khanapara, Guwahati; as such I am acquainted with the facts and circumstances of the case. By virtue of my office I am competent to swear this affidavit.
2. That the statements made in this affidavit and in the accompanying application in paragraph 1 to 6 are true to my knowledge, those made in paragraphs being matter of records are true to my information derived therefrom. Annexures are true copies of the originals and groups urged are as per the legal advice.

And I sign this affidavit on this the 17 th day of July, 2006 at Guwahati.

Identified by


S. Rajagopalan
DEPOENT

Advocate's Clerk