

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

C.P 32/05 order page-1 to 2
CP closed- 5.1.06

INDEX

O.A/T.A No. 173/05
R.A/C.P No. 32/05 O.A. 173/05
E.P/M.A No. 152/05

1. Orders Sheet.....Pg. 1.....to X.....
MP 152/2005 order page 1 to 2
2. Judgment/Order dtd 29.06.2005.....Pg. 1.....to 3.8/0
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....O.A. 173/05.....Pg. 1.....to 3.7.....
5. E.P/M.P.....Pg. 1.....to 7.....
6. R.A/C.P. 32/05.....Pg. 1.....to 1.5.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Halika
03.11.17

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

O R D E R S H E E T

Original Application No. 173/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants:- Smt S. D. Bohannick

Respondents M. O. L. Das

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

Advocates of the Respondents KVS

Notes of the Registry Date _____ Order of the Tribunal _____

29.6.2005

Heard learned counsel for the parties. The application is disposed of in terms of the order passed in separate sheets at the admission itself

This application is in form
is filed/C. F. for Rs. 50/-
deposited vide IPC/BD
No. 209/134298
Dated 27.6.05

[Signature]
Dy. Registrar

[Signature]
Vice-Chairman

Steps Taken

Received copy
from Mr. J. Hussain

5.7.05

Copy of the Judgment
handed over to the L/Adv.
for the KVS and C.C.
of the Judgment has been
collected by the L/Adv.
for the Applicant.

mb

CENTRAL ADMINISTRATIVE TRIBUNAL ::: GUWAHATI BENCH.

O.A. Nos. 173/2005

DATE OF DECISION: 29.06.2005

Smt. S.D. Bhowmick

APPLICANT(S)

Mr. A.S. Choudhury, Mr. I. Hussain

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U. O. I. & Ors.

RESPONDENT(S)

Mr. M.K. Mazumdar, KVS Counsel

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR.

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

Judgment delivered by Hon'ble Vice-Chairman.

[Signature]

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 173 of 2005

Date of Order : This the, 29th day of June, 2005.

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

Smti. Sabita Dey Bhowmick
S/o Sri A.K. Dey Bhowmick
Gauripur Town, Ward No. 2,
Baruapatty, P.O. Gauripur,
District - Dhubri.

... Applicant

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

- Versus -

1. The Union of India, through the
Secretary, Ministry of Human Resource,
Govt. of India,
New Delhi.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jit Singh Marg,
New Delhi - 110 016.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati Region, Khanapara,
Guwahati - 22.
4. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Kolkata Region, E 13 Block, "Labony"
Salt Lake, Kolkata - 64.
5. Sri Nidhin Kumar Sikdar,
Music Teacher, Kendriya Vidyalaya,
Kokrajhar (Under order of transfer
To Kendriya Vidyalaya, Cochbehar.)

... Respondents.

By Mr. M.K. Mazumdar, counsel for the KVS.

.....

ORDER (ORAL)SIVARAJAN. J. (V.C.)

The matter comes up for admission. Heard Mr. I. Hussain, learned counsel for the applicant and also Mr. M.K. Mazumdar, learned counsel for the K.V.S.


2. The matter relates to transfer of the applicant and the 5th respondent. The applicant is transferred from KVS, Cochbehar to KVS, Kokrajhar in place of the 5th respondent. The 5th respondent is transferred to K.V.S., Cochbehar at his request in the place of the applicant. The applicant's transfer is stated to be made in public interest. According to the applicant, she had served more than 14 years in the hard station at Kokrajhar while the 5th respondents had only lesser service in that area. That apart, it is stated, she is suffering from serious illness. According to the applicant the transfer order is in violation of the transfer norms published by KVS. It is stated that the respondent Nos. 2 to 4 have not considered these matters while passing the impugned transfer order. The applicant has already brought these matters to the notice of the second respondent by representation dated 17.06.2005. Hence, this is a matter to be considered by the said respondent.

3. In the nature of the direction being issued, it is not necessary to issue notice to the 5th respondent. Since the applicant had made detailed representation dated 17.06.2005 (Annexure - 3) before the 2nd respondent against her transfer, I am of the view that this application can be disposed of at the admission stage itself. Accordingly, there will be a direction to the 2nd respondent to consider the representation dated 17.06.2005 (Annexure - 3) sent by the



applicant and pass appropriate order keeping the norms for transfer in mind within a period of 6 weeks from the date of receipt of this order. In the meantime, if the applicant has not been relieved/5th respondent has not come and joined in the post held by the applicant, this transfer order, in so far as the applicant and the 5th respondents are concerned will be kept in abeyance till the disposal of the representation as directed hereinabove.

The O.A. is disposed of at the admission stage itself as above.



(G. SIVARAMAN)
VICE CHAIRMAN

/mb/

7

2, 8 JUN 2005
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH :: GUWAHATI.

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

ORIGINAL APPLICATION NO. 173 /2005.

Smt. Sabita Dey Bhowmick -Vs- Union of India & Ors.

SYNOPSIS OF THE CASE.

✓ The application has been ^{filed} against the impugned order dated 30.5.05 passed by the Kendriya Vidyalaya Sangathan, New Delhi so far it relates to transfer of the applicant and Respondent No. 5 are concerned (vide Annexure No. 2).

The applicant was ~~initially~~ initially appointed as Music Teacher in Kendriya Vidyalaya in the year 1976 and posted at ~~Tena~~, Meghalaya. Then transferred to Borjhar in 1977 and then to Kokrajhar in 1986 and served there till 2000. Thereafter she was transferred to Kendriya Vidyalaya, Cochbeh in the year 2000.

While the applicant was serving in K.V., Cochbeh and was at home due to summer vacation, received the impugned order dated 30.5.05 at home passed by the Kendriya Vidyalaya Sangathan, New Delhi transferring the respondent No. 5 from K.V., Kokrajhar to K.V. Cochbeh, on request and the applicant from K.V. Cochbeh to K.V. Kokrajhar, ^{for} partly on public interest.

Request & public interest

The applicant has approached this Hon'ble Tribunal with a prayer for setting aside and quashing the impugned transfer order so far it relates to applicant and the respondent No. 5 are concerned and for allowing her to continue as K.V. Cochbeh as before on the grounds set forth in paragraphs 5 of the application.

Filed by

(I. Hussain)

Advocate.

2) 8 JUN 2005

গুৱাহাটী বেঞ্চ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI.

An application Under Sec. 19 of the Central Administrative Act, 1985.

ORIGINAL APPLICATION NO. 173/2005.

Smt. Sabitra Dey Bhowmick -Vs.- Union of India & Ors.

I N D E X

<u>Sl. No.</u>	<u>Particulars of papers.</u>	<u>Page No.</u>
1.	<u>Annexure No. 1, 1(a), 1(b), 1(c) :</u> Medical certificates etc.	12 to 14
2.	<u>Annexure No. 2 :</u> Impugned transfer order dated 30.5.05	15.
3.	<u>Annexure No. 3 :</u> Representation dated 17.6.05 to the Respondent No.2.	16.
4.	<u>Annexure No. 4 :</u> Transfer guidelines of K.V.S.	17 to 37

Filed by

I. Hussain

(I. Hussain)
Advocate.

8 JUN 2005

GUWAHATI BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWHATI BENCH :: GUWAHATI.

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

ORIGINAL APPLICATION NO. 173/2005

Smt. Sabita Dey Bhowmick -Vs.- Union of India & Ors.

LIST OF DATES

<u>Sl. No.</u>	<u>Dates</u>	<u>Particulars</u>	<u>Ax. No.</u> <u>Pg. No.</u>
1.	5.7.76	Appointed as Music Teacher in K.V. and posted at Tura.	
2.	10.11.77	Transferred to K.V. Borghar.	
3.	9.9.86	Transferred to K.V. Kokrajhar.	
4.	1.12.2000	Transferred to K.V. Cochbehār.	
5.	20.1.05	Undergone operation due to Gallbladder etc. peroblem and was hospitalised treatment still continuing.	Ax No 1, 1(a) 1, (b) 1(c) P- 12 - 14
6.	30.5.05	The K.V.S., New Delhi issued the impugned order transferring the Respondent No.5 from K.V. Kokrajhar to K.V. Cochbehār on request and the applicant from K.V. Cochbehār to K.V. Kokrajhar on public interest in violation of transfer guidelines.	Ax No. 2 P- 15
7.	17.6.05	Appointment submitted representation to the Commissioner, K.V.S. New Delhi.	Ax No. 3 P- 16

Filed by

I. Hussain

(I. Hussain)

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH : GUWAHATI

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

ORIGINAL APPLICATION NO. /2005.

BETWEEN :

Smti Sabita Day Bhowmik ... Applicant.

-Vs -

The Union of India and Others ... Respondents.

DETAILS OF THE APPLICANT:

1. Name and Address: Smti Sabita Day Bhowmik
S/o Sri A.K.Dey Bhowmik
Gauripur Town, Ward No.2,
Baruapatty, P.O. Gauripur.
Dist. Dhubri.
2. Designation : Music Teacher,
Cochbehar Kendriya Vidyalaya,
Cochbehar, West Bengal,
Under order of transfer to
Kendriya Vidyalaya, Kokrajhar, Assam.

PARTICULARS OF RESPONDENTS:

Name and Designation of the

Respondents:

1. The Union of India, through
the Secretary, Ministry of Human
Resources , Govt. of India,
New Delhi.
2. The Commissioner, Kendriya Vidyalaya
Sangathan,
18, Institutional Area,
Shaheed Jit Singh Marg,
New Delhi- 110016

10
Filed by the Applicant
Smti Sabita Day Bhowmik
through
Smti Sabita Day Bhowmik
Advocate
27.6.05

3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati Region, Khanapara,
Guwahati-22.
4. The Assistant Commissioner,
Kendriya Vidyalaya, Sangathan,
Kolkata Region, E 13 Block, "Labony"
Salt Lake, Kolkata-64.
5. Sri Nidhin Kumar Sikdar,
Music Teacher, Kendriya Vidyalaya,
Kokrajhar (Under Order of transfer
to Kendriya Vidyalaya, Cochbehari).

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

1. The application has been filed against the impugned order No.F.3-1(D) MSC (MUST/2005/KVS(ESTT III) Dt. 30.5.2005 issued by the Education Officer, Kendriya Vidyalaya Sangathan so far it relates to transfer of the Applicant, Smti Sabita Dey Bhowmik (Applicant) and Sri Nidhir Kumar Sikdar (respondent No.5) are concerned. As per the said transfer order, the respondent No.5 has been transferred from Kendriya Vidyalaya, Kokrajhar to Kendriya Vidyalaya, Cochbehari on request and transferring the applicant from Kendriya Vidyalaya, Kokrajhar purportedly showing in public interest. (vide Annexure No. 2)

2. This application has also been made against non consideration of the representation filed by the applicant dt. 17.6.05 addressed to the Commissioner, Kendriya Vidyalaya Sangathan for cancelling the transfer order and allowing her to continue her service at Kendriya Vidyalaya, Cochbehari.

2. JURISDICTION OF THE TRIBUNAL.

The applicant states, that although she is serving at K.V. Cochbehar, West Bengal and then impugned transfer order has been issued from New Delhi transferring her to Kokrajhar (Assam) and she is originally hailing from Assam this Hon'ble Tribunal has the jurisdiction to entertain this application.

3. LIMITATION

The applicant declares that the applicatin is filed before this Hon'ble Tribunal within time limit prescribed under Sec.21 of Administrative Tribunal Act, 1983.

4. FACTS OF THE CASE :

4.1 That the applicant is a citizen of India and permanent resident of Gauripur Town, P.O. Gauripur, Dist. Dhubri, Assam and presently residing at Cochbehar Town, Dist. Cochbehar, West Bengal.

4.2 That the applicant was initially appointed as Music Teacher and she joined at Kendriya Vidyalaya, herein after referred to KV and joined at Tura, Meghalaya on 5.7.76. Then she was transferred to KV Borjhar and joined on 14.11.77. Thereafter, she was transferred to K.V Kokrajha3 and joined there on 9.9.86. She served at K.V. Kokrajhar upto 30.11.2000.

It be mentioned herein that applicant's husband Sri A.K. Dey was also serving at K.V. Kokrajhar and was transferred to K.V. Cochbehar a couple of years back.

S.D. Dey

- 4 -

In the meantime, the applicant was transferred from K.V. Kokrajhar to K.V. Cochbehar and joined there on 1.12.2000. Just after few months the applicant's husband was transferred from K.V. Cochbehar. As his prayer for cancellation of transfer was rejected, he tendered his resignation as it was not possible for the applicant as well as her husband to live in separate places who were also to look after their daughter.

4.3. That the applicant states that while she was at Cochbehar, she was suffering from various ailments including acute gall bladder trouble and she was hospitalised and operated upon on 20.1.05 at Kolkata. She was advised rest and was under constant medical care. Inspite of all these, she is still suffering from various complicacies and undergoing treatment at Cochbehar and Kolkata. The applicant is annexing some of the medical certificates for kind perusal of the Hon'ble Tribunal.

The copies of Medical certificates etc.
are annexed as Annexure No.1, 1(a) & 1(b).

4.4. That the applicant states that while she was serving at Cochbehar, she went home due to summer vacation. While at home, she received the impugned order dt. 30.5.05 on 16.8.05 by which the respondent No.5 who was serving at K.V. Kokrajhar has been transferred to K.V. Cochbehar at his own request and the application from K.V. Cochbehar to K.V. Kokrajhar purportedly shown as on public interest.

The copy of impugned transfer order dt.
30.5.05 is annexed as Annexure No.2.

SPB

4.5. That the applicant states that after receipt of the transfer order she sent a representation dt. 17.6.05 to the respondent No.2 stating the facts in detail as well as regarding her ailments and prayed for cancellation of her transfer and to allow her to continue at K.V. Cochbehar.

The copy of representation dt. 17.6.05
is annexed as Annexure No.3

4.6. That the applicant states that the respondent No.5 earlier served as K.V. Cochbehar for about 18 years before, he was transferred to K.V. Kokrajhar in December 2000.

4.7 That the applicant states that due to summer vacation (which will be upto 27.6.05) she is at her home and has not joined at K.V. Kokrajhar with a hope that her representation will be considered favourably and she will be allowed to serve at Cochbehar. But till date she has not heard anything from the respondents. As such she has been compelled to approach this Hon'ble Tribunal for redressal of her grievances.

4.7 That the applicant states that earlier she served at Kokrajhar for long fourteen years before her transfer to Cochbehar. Now the respondents are again transferring her to Kokrajhar just to accommodate the respondent No.5.

4.8 That the applicant states that she is now about 56-1/2 years of age and will retire in November 2008 and is suffering from various ailments as stated earlier for which there is no proper medical facilities at Kokrajhar. Her life will be in danger if she is to serve at Kokrajhar

~~not joint /ap/or , edoca; care~~

4.9 That the applicant states that the respondent authorities have issued a Transfer guideline w.e.f. 19.1.05 for transferring employees/teachers of K.V.S. in India. The clause 20(2) which is relevant in the instant case is quoted below :-

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

The copy of transfer guideline is annexed as Annexure No.4.

4.10 That the applicant states that there is K.V. in Panbari, Assam where junior teacher is serving apart from other schools in Assam and West Bengal. The respondent authorities could have transferred the respondent No.5 to any such school without disturbing the applicant.

SPD

4.11. That the applicant states that the respondent No.5 earlier served at Cochbehari for about 18 years and again he has got the transfer of his choice at the cost of the applicant without any apparent reason.

5. G R O U N D S :

- 5.1 For that the respondent authorities ought to have considered the fact that the applicant has already served the N.E. States since 1976 till 2000 inclusive of 14 years at Kokrajhar. She was transferred to Cochbehari on humanitarian ground as her husband was also serving here at the relevant time. Generally a person who serves in a difficult place is not transferred again more so when she is in verge of her retirement.
- 5.2 That the respondents authorities have failed to consider the case of the applicant that she is suffering from various ailments for which there is no proper facilities are available at Kokrajhar and ought not to have disturbed her jeopardizing the life of the applicant.
- 5.3 For that as per transfer guideline, clause 10(2) in case of transfer of teacher to station of his choice, the juniormost teacher is to be transferred. But in this instant case, the applicant is the seniormost person and is also senior to respondent No.5. As such the authorities could have transferred the respondent No.5 to any other school where junior teachers are serving if any want to accommodate him.

- 5.4 For that as per the impugned transfer order, the respondent No.5 has been transferred "on request" but

SPH 22

17

it is mentioned in the order that the applicant has been transferred on public interest. This is not a routine transfer order on public interest but at the instance of the respondent No.5. The respondent No.5 cannot dictate the authorities to displace some other person/teacher for his personal gain. The action of the respondent authorities is biased and uncalled for and against the principle of equity, good conscience and administrative fairness. As such the imputed transfer order is liable to be set aside and quashed.

5.5. For that the respondent authorities ought to have considered her representation favourably allowing her to continue at K.V. Cochbehar. But they have not considered her prayer till date.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant has filed a representation dt. 17.6.05 against the impugned transfer order which is yet to be considered by the respondent No.2. However, because of urgency of the matter, the applicant has approached this Hon'ble Court without waiting for consideration of her prayer by the respondent No.2 for redressal of her grievances.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT

The applicant declares that she has not filed any suit, writ petition or any other application/petition etc. in any Court of law and no case is pending before any Court or Tribunal.

8. RELIEF SOUGHT FOR :

Under the facts and circumstances, as stated above, the applicant prays that the application be admitted, records called for and notices be issued to the respondents to show cause so as to why the relief sought for should not be granted and after hearing the parties and on perusal of the records, be pleased to grant the following reliefs :-

- 8.1 To set aside and quash the impugned transfer order No.F-3.1(D) MSC/MUST/2005/KVS(ESTT III) Dt. 30.5.05 passed by the Education Officer, K.V.B. under the respondent No.2 i.e., the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi, so far it relates to transfer of the respondent No.5 (Sri Nidhir Kumar Sikdar) and transfer of the applicant (Smti S.D. Bhowmik) to K.V. Coochbehar and K.V. Kokrajhar respectively (vide Annexure No.2)
- 8.2. To allow the applicant to continue at K.V. Coochbehar as before.
- 8.3 To grant any other relief to which the applicant is entitled to.

9. INTERIM RELIEF PRAYED FOR :

The applicant prays that pending disposal of the application :-

- i) the operation of the impugned transfer order Bi,F.3.1(D) MSC/MUST/2005/KVS (ESTT III) Dt. 30.5.05 passed by the Education Officer, KVS

SP

- 10 -

under the respondent No.2 ie., Commissioner, Kendriya Vidyalaya Sangathan, New Delhi so far it relates to transfer of the respondent No.5 (Sri Nidhir Kumar Sikdar) and transfer of the applicant (Smti S.D. Bhowmik) to K.V. Cochbehar and K.V. Kokrajhar respectively (Vide Annexure No.2) may kindly be stayed/suspended.

- ii) The applicant may be allowed to serve as Music Teacher at K.V. Cochbeahr as before in the interest of justice.

10. DETAILS OF POSTAL ORDER.

Postal Order No. 206-134298 for Rs.50/-

Date of Issue : 27.6.05

Issued from : G.P.O. Guwahati.

Payable at Guwahati.

11. LIST OF ENCLOSURES:

As per Index.

VERIFICATION

... 11

S. D. Bhowmik

VERIFICATION

I, Sri Sabita Dey Bhowmik, aged about 56 years 6 months, wife of Sri A.K. Dey Bhowmik presently staying at Cochbehar do, hereby verify t at the contentw in paragraph 1, 2, 3, 4, 6 & 7 are my personal knowledge and paragraph 5, 8 and 9 are believed to be true as legal advice and I have not suppressed any material fact.

Date: 25/6/05.

Place: Guwahati.

Smt. Sabita Dey Bhowmik

Signature of the Applicant.



ANANDALOK HOSPITAL

KOLKATA ADDRESS :

DK-7/3, Salt Lake, Kolkata-700 091 • Ph : 2359 2931 / 32 / 33
CK-44, Salt Lake, Kolkata-700 091 • Ph : 2359 0742 / 1982
CL-88, Salt Lake, Kolkata-700 091 • Ph : 2337 7750 / 2359 6618
67, Ashutosh Mukherjee Rd., Kolkata-25 • Ph : 2476 9969 / 70

RANIGANJ ADDRESS :

NSB Road, Near Punjabi More, Raniganj • Ph : [95341] 2441565

[Regd. Under Societies Act. No. S-32880 of 81-82]



Ann No. 1

Dept. of Minimal Invasive Surgery - 12 -

Unit :

DISCHARGE CERTIFICATE

Name : SABITA DLY BHOSMIK Age : 55 yrs Sex : Female

Address : 35/1, M.B. Road, Kot-49

Date of Admission : 19.01.2025

Date of Operation : 20.01.2025 Date of Discharge : 23.1.05

Diagnosis : Cholelithiasis

Operation Note : Laparoscopic Cholecystectomy done.

Specs - thick walled, multiple stones, CSD - normal, mucocoele ep--

Surgeon : Dr. P. Roy

Anaesthetist : Dr. N. Mukherjee

Post-Operation-Period : uneventful.

ADVICE ON DISCHARGE

1. Tab Ceftum 500 mg twice daily for 5 days.
2. Tab Combiflam 1 tab thrice daily for 5 days.
3. Tab Ranitin 150 mg twice daily for 3 weeks.
4. Digene gel - 3 tsp. thrice daily for 3 weeks
5. Other medicines - Cardiac/Diabetic as before.
6. Review after 7-10 days (Monday)
7. Collect and bring biopsy report.
8. Bactroban ointment - to apply locally.
9. Cremoffin (white) - 4 tsp. at bed time.

Certified to be

True Copy

Advocate

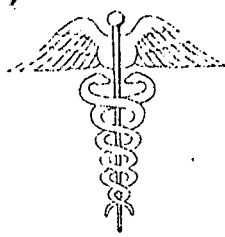
Parnendu Roy

DR. BIKAS K. SARKAR

MS. (ENT) AIIMS, NEW DELHI
ENT & HEAD & NECK CANCER SURGEON

Mobile : 9832061182

Specialises in : Headaches, Vertigo, Thyroid disorders,
Micro - Ear Surgery, Endoscopic Sinus Surgery, Orac &
Pharyngeal Surgery, Head And Neck Cancer Surgery,
Phonosurgery, Hearing Aids.



ডাঃ বিকাশ কুমার সরকার.

-13- এম. এস. (ই.এন.টি) নিউ দিল্লী

নেক ক্যান্সার সার্জেন

নাক, কান, গলা বিশেষজ্ঞ

ANX NO. 1(a)

Name Sorita Dey Ghoshnick Date 04/03/05
Age 55y Sex Female

R

A- (R) OME to mild Conductive

Hearing loss.

cf (R) DM, tinnitus x 1 1/2 months.

→ 4p URT.

O/E.

Exam →

(R)

(L)



dull m

+ (R) +

(L)



(L) TM.

not led. ACC. not led.

Adv.

PTA.

↓
Review.

14
04/03/05.

চেয়ার :-

জীবন সিংহ মেডিক্যাল

হাসপাতাল রোড, কোচবিহার

এখানে সমস্ত রকম ভ্যাকসিন দেওয়া হয়।

ফোন নং- ২৩০৮৯৫

Advccat3

ডাঃ পি. মুখার্জী
Dr. P. Mukherjee
M.B.B.S., (Cal), DMRT (Cal)
Physician (Gen. & Onco)
Ex. Chief Medical Officer
B.S.F.
Resl : Rail Ghumti
N.N.Road, CoB.

মায়া মেডিক্যাল
MAYA MEDICAL
Gunjabari
Time : 12 Noon to 1.30 p.m.
Phone : 226239

সুধীর মেডিক্যাল স্টোर्स
Sudhir Medical Stores
N.N.Road, Power House Chowpathi, CoB.
Time : Morning 2 p.m. to 4 p.m.
Evening 7 p.m. to 10 p.m.
Ph. : 229247
(Except Friday)

লীলা ফার্মেসী
Lila Pharmacy
Pundibari
Friday 12 Noon to 6 p.m.
Ph. No. : 270419

Name Smt S. D. Basu Bhawanmukh
Age 56 F Date 30.3.2005

U.I.I
Femur
BP-118/80-4
clunking
(thunk) mms

Adv. Alb (+), Pe-70-80/100, Chest xrt
1) Urine RE (Morning sample)
2) Plenty of water today
Rx
1) Tab DO. Plus 1100 daily before meals - (5)
2) Tab Zanoxin 400 OD 1100 after meals - (5)
3) Tab Unispor 1100 BOD after meals - (6)

after 5 days
* Tab Zanoxin 100 1100 daily after meals x 20 - (20)
* Tab Pyngevy 400 1100 after meals x 20 - (4)

30/3/05

Continued to be true Copy
Advocate

E.C.G. করা হয়

Karnendu K

F.3-1(D)/MSC(MUST)/2005/KVS (ESTT.III)

TRANSFER ORDER

In terms of clause 10 (2) of the latest transfer guidelines which inter-alia, provides to create a vacancy so as to accommodate the persons who are figuring in priority list II, as per their priority position, transfer of the following employees is hereby ordered on request / in public interest. The displacement of employees have been effected as per clause 10(3) of latest transfer guidelines. The employees transferred in public interest and from NEH and VHS are entitled for all transfer benefits as per clause 15 of latest transfer guidelines.

POST:-- MSC MUST

S.No	Emp-code	Name	From				Shift	To				Shift	Nature of transfer
			Reg	Stn	KV	KV-Name		Reg	Stn	KV	KV-Name		
6	70071	SHRI SUDHAMA RAM	07	540	1294	RAMGARH (ITBP)	1	07	539	1308	MULLANPUR GARIBDAS	1	On request
		(By displacing) MRS IINDERJEET KAUR	07	539	1308	MULLANPUR GARIBDAS	1	07	540	1294	RAMGARH (ITBP)	1	In pub. int.
7	70185	SHRI HARI KISHAN SHARMA	07	174	1300	BHATINDA NO.III (AFS)	1	07	173	1297	BHATINDA NO.I (THIMAYYA MARG)	1	On request
		(By displacing) Mrs SUDESH SHARMA	07	173	1297	BHATINDA NO.I (THIMAYYA MARG)	1	07	174	1300	BHATINDA NO.III (AFS)	1	In pub. int.
8	80060	SHRI SHEEL KUMAR SINGH	08	228	1389	RAIWALA	1	15	409	1732	KANPUR CANTT	1	On request
		(By displacing) SHRI RAJESH SRIVASTAVA	15	409	1732	KANPUR CANTT	1	15	404	1724	FATEH GARH	1	In pub. int.
9	100053	SHRI NIDHIR KUMAR SIKDAR	10	256	1479	KOKRAJHAR (HATHIMATHA)	1	06	150	1247	COOCH BEHAR	1	On request
		(By displacing) SMT S D BHOWMIK	06	150	1247	COOCH BEHAR	1	10	256	1479	KOKRAJHAR (HATHIMATHA)	1	In pub. int.
10	100164	SHRI AVIJIT PROSAD MAITRA	10	252	1473	ITANAGAR.NO.II	1	06	143	1287	SEVOK ROAD	1	On request
		(By displacing) SMT N CHAKRABORTY	06	143	1287	SEVOK ROAD	1	06	153	1252	GANGTOK	1	In pub. int.

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

(RANVIR SINGH)
EDUCATION OFFICER

Distribution :

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

(Through Proper Channel)

Date :- 17-06-05

Subject :- Prayer for modification of transfer.

Ref:- Transfer order No. F 3-1 / MSC (MUST) 2005/KVS (ESTT) Dt.30-5-05.

Sir,

With reference to the above I would like to bring to your kind notice the following few lines for favour of your kind consideration and necessary action.

That Sir I have joined KVS on 5th July/1976 and served in the North East Region more than 18 years. I served in K.V. Tura from 05-07-76 to 10-11-77, K.V. Borjhar 14-11-77 to 30-08-80 and K.V. Kokrajhar from 09-09-86 to 30-11-2000.

My husband Mr. A.K. Dey Bhowmick was also a K.V. teacher who got transfer from K.V. Kokrajhar in 1993. But I was deprived of getting transfer on spouse ground and had to stay there alone in a declared disturbed place like Kokrajhar till November 2000. I joined K.V. Coochbehar on 01-12-2000 and after a few months my husband was displaced from Coochbehar in 2001. Again we were disturbed and the situation compelled my husband to take VR in 2001.

That Sir, I have been transferred before the completion of 05 years at K.V. Coochbehar and again been put to K.V. Kokrajhar where I worked more than 14 years. Moreover, clause 10(2) says that the Junior most teacher will be displaced. But how can I be displaced when I am senior to the person transferred to this place when there are Junior teachers serving in nearby schools.

That Sir, Mr. N.K. Sikdar transferred to K.V. Coochbehar already served the Vidyalaya since the opening of The Vidyalaya till November 2000 getting all the home town facilities. Moreover, after 4th November 2005 I shall also be entitled to get the benefit of LTR. All these things have not been kept in view before my displacement.

That Sir, recently I have undergone an operation and since then I am facing lot of complecacies. So, it is not possible for me to join K.V. Kokrajhar where I will not get all sorts of medical facilities.

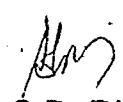
Under the above circumstances I would like to request you kindly to consider my case sympathetically and cancel the transfer order and retain me in the same Vidyalaya so that I may continue my service. Kindly inform me about your decision within ten days otherwise I may be compelled to take recourse of law for redressal and that too without further reference.

Thanking you,

Yours faithfully,

Encls :-

1. Discharge Certificate from Anandalok Hospital.
2. Prescription of ENT.
3. Prescription of General Phisician.
4. Urine Culture Report


(Mrs. S.D. Bhowmick)
Music Teacher
K.V. Coochbehar.

Certified to be
true Copy


A. K. Dey

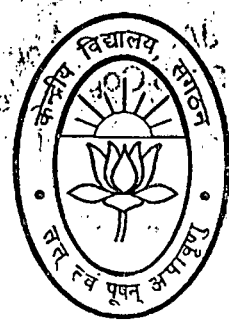


Annex No. 4

Transfer Guidelines

with effect from

19.01.2005 - 17




KENDRIYA VIDYALAYA SANGATHAN

18, Institutional Area

Shaheed Jeet Singh Marg

New Delhi - 110016

Certified to be
true Copy


Advocate

**NEW TRANSFER GUIDELINES WITH EFFECT
FROM 19.01.2005.**

In supersession of the existing guidelines / orders on the subject, it has been decided that transfers in the Kendriya Vidyalaya Sangathan will hereafter be made, as far as practicable, in accordance with the guidelines indicated below:

2. In these guidelines unless the context otherwise requires:

- i) "Commissioner" means Commissioner, Kendriya Vidyalaya Sangathan including any officer thereof who has been authorized or delegated to exercise all or any of the powers and functions of the Commissioner.
- ii) "Performance" means
 - a) Where the Annual Confidential Report(s) is/ are available in the concerned Regional Office, the assessment of teacher as reflected in his Annual Confidential Report for the last three years preceding the year in which transfers are taken up.
 - b) Where the Annual Confidential Report(s) for last three years or any of the last three years is not available in the concerned Regional Office for whatever reason, the assessment by the Assistant Commissioner of the Region from where transfer is being sought on the work and conduct of the teacher for the year(s) in respect of which the ACR(s) is/ are not available.

- iii) "Sangathan" means the Kendriya Vidyalaya Sangathan.
- iv) "Service" means the period during which a person has been holding charge of the post in the Sangathan on a regular basis.
- v) "Station" means any place or group of places as notified by the KVS for the purpose of transfers, from time to time.
- vi) "Region" means a region as notified by the Commissioner, comprising Kendriya Vidyalayas in a specified area of the country and placed under the charge of an Assistant Commissioner.
- vii) "Stay" means service at a station excluding the period or periods of continuous absence from duties exceeding 30 days (45 days in case of N.E. Region, Sikkim and A&N Islands) at a stretch other than on training or vacation.
- viii) "Teacher" means all categories of teachers in the employment of Sangathan but does not include Vice-Principals, Principals, Education Officers and above, for the purpose of transfer.
- ix) "Year" means a period of 12 months commencing from 1st April.

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. Although in terms of their all India transfer liability, all the employees of the KVS are liable to be transferred at any time, no transfers will be made other than on administrative

ground or on request made by teachers outside the Region identified for this purpose by KVS except for the reasons/ circumstances explained under clause 10(2). Transfers can not be claimed as a matter of right by those making requests nor do these guidelines intend to confer any such right. In an academic session, request of an employee for transfer will not be considered more than once.

4. The maximum period of service at a station shall generally not exceed three years in the case of Assistant Commissioners and five years in case of Principals/ Education Officers. In case of Principal, Commissioner may extend the period of service beyond five years at a Vidyalaya in order to promote academic excellence.

5. Apart from others, the following would be administrative grounds for transfers:

(i) A teacher is liable to be transferred on grounds of misconduct or unsatisfactory academic performance on the recommendation of the Principal and the Chairman of the Vidyalaya Management Committee of the Kendriya Vidyalaya/ the Assistant Commissioner of the Region. However, Commissioner, KVS reserves the right to transfer any employee on administrative grounds.

(ii) Transfer of spouse of a Principal to a Kendriya Vidyalaya at the station where the Principal is working or nearby, but not the Vidyalaya where he is a Principal. In case no vacancy is available at the Kendriya Vidyalaya nearby, the spouse of the Principal may be posted even in the same KV provided there is a clear vacancy. This provision is applicable to the spouse of the Chairman, VMC

also.

6. (A)

As far as possible, the annual transfers may be made during summer vacations. The crucial date for determining the eligibility, stay etc, for those serving at the Vidyalayas at North Eastern Region, very hard stations/hard stations shall be 30th June and in rest of the cases, it shall be 31st March. However, no transfers except those on the following grounds shall be made after 30th June. Any modification /corrigendum arising out of effecting regular transfers will be completed by 31st July.

i) Organizational reasons, administrative grounds and cases covered by clause 5.

ii) Transfers on account of death of spouse or serious illness when it is not practicable to defer the transfer till next year without causing serious danger to the life of the teacher, his spouse and son/ daughter.

iii) Mutual transfers as provided in clause 12.

6. (B)

(i) The teacher of the particular category who has the maximum length of service in a Kendriya Vidyalaya will be identified as excess to the requirement based on the staff sanction order issued by KVS for a particular year. The teacher thus identified as excess to the requirement at Kendriya Vidyalaya level will be transferred out of station, only if no vacancy exists in that station and if he happens to be the one who has the maximum length of service at that station. If he is not so, then the teacher/ staff who has the maximum length of service in that station will be transferred out. The teacher/ staff identified as excess to the requirement at

Kendriya Vidyalaya level will be adjusted against this created vacancy/any existing vacancy within the station or in the nearest Vidyalaya.

- ii) The following categories of teachers will be exempted from being identified as excess to the requirement except in the event of non-availability of other teacher in that particular category (post/ subject) in that Kendriya Vidyalaya / station for being adjudged as excess to the requirement.
 - (a) who are covered under medical grounds for seeking transfer under the transfer guidelines.
 - (b) who are physically challenged.
 - (c) whose spouse has died within the last two years with reference to 31st March of the particular year.
 - (d) who have less than three years of service for retirement on superannuation with reference to 31st March of the particular year.
 - (e) Spouse of KVS employee.

✓ In such a situation the teacher who has the next maximum length of service in that Kendriya Vidyalaya/station will be identified as excess to the requirement and redeployed as per clause 6(B) (i) above.

In the event of non-availability of teacher from the non-exempted category for being identified as excess to the requirement wherein it becomes inevitable to redeploy the teacher from the available exempted categories, the teacher among the said exempted categories will get preference for

5

being retained in the above sequence as at a) to e) i.e. the teacher from the lower exempted category will have to move out.

7. The transfers shall largely be done against vacancies on the basis of requests received for the same, provided that,

- (a) In the event of there being more than one request for the same vacancy, priority for transfers on request against vacancies shall follow the descending order of combined weightage. It is to be calculated in terms of entitlement points for organizational reasons/ interests as also the individual needs and request of the teachers seeking transfers in accordance with clause 8 below.
- (b) Transfers sought on account of medical grounds shall continue to be evaluated in accordance with the type of diseases prescribed as valid for transfer on medical grounds. He will be placed en-bloc higher, than the others listed in clause 8 of these guidelines.
- (c) Transfers sought on account of death of spouse within a period of two years and transfers sought by employees who have less than 3 years to retire, will be placed en bloc higher in the above sequence than the others listed in clause 8 of these guidelines but below those covered under clause 7(b).
- (d) Joining of spouse - As far as possible and also subject to the provisions contained in clause 10(2) such cases will be considered. Wherever transfers were made in the past for lady teachers to more than 500 KMs from respective home towns, choice will be given to them to come back to any position

within 500 KMs., provided there is a vacancy for the same. This category of staff members will also be placed en-bloc higher in the above sequence than the others listed in clause 8 of these guidelines, just below the staff members listed in clause 7(b) & 7(c).

In brief, the order of preference for en-bloc category is as under:

- 1 Medical Grounds (MDG).
- 2 Death of spouse within a period of two years from the date of death (DSP)
- 3 Those who are due to retire within three years with reference to 31st March of a particular year (LTR).
- 4 Lady teachers, who were displaced to places more than 500 KMs from respective home towns, and now want to join the spouse.
- 5 *In the event of a tie among the same category of spouses, lady employee would be given preference over male employee, and inter-se priority as under among different categories:*

Joining of Spouse		Priority
5.1	Where spouse is a Sangathan employee	I
5.2	Where spouse is a Central Government employee.	II
5.3	Where spouse is an employee of autonomous body or PSU under the Central Government.	III
5.4	Where spouse is an employee of the State Government or its autonomous body or PSU	IV
5.5	Other spouse cases.	V

23

Note : for 'Spouse Cases' the aforesaid priority will be considered only where the teacher seeks transfer to a station (a) other than the one where he is currently posted and (b) where his spouse is posted or nearby. This condition, i.e. (b) will, however, not apply in those cases where the spouse of the teacher is posted to a non-family station, provided the transfer is sought to a place nearest to the station where his spouse is posted.

6. Lady teachers displaced after 01.04.2000 beyond a distance of 500 Kms from respective hometowns and who wish to come back to any position within 500 KMs., subject to availability of a vacancy.

Note : Within the en-bloc higher category, the vacancies would be filled on the basis of entitlement points awarded to each staff member within that category.

8. Organizational reason/ interest shall be classified and assigned entitlement points as under:

Sl No	Particulars	Entitlement points
a.	Transfer from declared "very hard stations" i.e. Leh, Tawang, Chusul, Kargil, Nubra, Zaskar, Car Nicobar etc after completion of a stay of two years.	40 (Forty)
b.	Transfer from declared hard stations and North Eastern Region after completion of a stay of 3 years.	30(Thirty)

c. Performance

Rating of Performance	Entitlement points
Outstanding	10 for each year
Very Good	6 for each year
Good	4 for each year
Average	0 for each year
Below Average	(-) 10 for each year

d. Needs denoted by the following reasons shall be assigned entitlement points as given against each:

S. No.	Reasons/ Ground	Entitlement Points
A.	Persons with visual and/or orthopaedic disabilities, the standards of physical disability will be the same as prescribed by the Govt. of India for sanction of Conveyance allowance.	15
B	Unmarried/ divorced/ judicially separated/ widowed ladies	12
C	Stay at the station from where the transfer is being sought	01 for each year of stay exceeding three years subject to a maximum of 20 points.

9. For the purpose of calculation of entitlement points in respect of medical grounds as mentioned in clause 7 of these guidelines, such illnesses of teacher himself or his spouse,

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

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

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

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

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

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

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

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

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

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

in that State. Subject to availability of vacancies and other administrative reasons those who are due to retire within next three years may not be posted outside their home State if their service at the same station prior to promotion does not exceed five years.

14. Subject to availability of vacancies teachers and staff members, other than those mentioned in clause 13, may on promotion be posted at the same station or Vidyalaya from which they are promoted.

15. Transfer T.A. will be regulated as per orders of the Government of India on the subject. KVS employees who are transferred after completing three years of stay in the North Eastern Region, Andaman islands and other hard stations and after completion of two years of stay at very hard stations, will be entitled to transfer T.A. by treating their choice posting as in public interest. Further, those teachers who are proceeding on transfer to very hard station or hard station, in public interest, will be eligible for grant of H.R.A/retention of accommodation provided by KVS, at par with those who are proceeding to North Eastern Region. He can retain his family at the old station or at any other station.

16. Assistant Commissioner shall be competent to change the headquarters of a teacher on administrative exigencies for a period not exceeding 180 days at a stretch within an academic session to any place within the region as deemed fit and direct him to discharge duties there, under intimation to KVS HQrs.

17. Following cases shall not be considered for transfer:

- (i) Cases of Education Officers/ Assistant Commissioners for transfer without completing three years of stay at the place to which they were posted upon promotion.

- (ii) Cases where a teacher, Education Officer or Assistant Commissioner was transferred on grounds mentioned in clauses 5 (i) & 6 (A) (i) of these guidelines will not be considered without completing 5 years of stay at the station/Region/Hqrs/ZIET (2 years for very hard station and 3 years for hard station and NER) to which they were so posted. More so, they can not seek transfer to the same station from where they were transferred on administrative grounds. This clause will, however, not apply to cases of transfer under clause 10 (2).
- (iii) Principals, Education Officers and Assistant Commissioners will not be transferred back to the same station from where they were transferred earlier on completion of period as specified in clause 4 above unless a period of three years has elapsed.
- ✓ (iv) In cases of fresh posting on direct recruitment, unless they complete a period of stay of three years and in case of female employees, one year of stay at the place of posting, their request for posting to choice place will not be considered.
- ✓ (v) In cases of promotion, unless he completes one year of stay at his place of posting, request for posting to his choice place will not be considered.

18. Notwithstanding anything contained in these guidelines:

- (a) A teacher or an employee is liable to be transferred to any Kendriya Vidyalaya or office of the Sangathan at any time on grounds mentioned in clauses 5, 6(A) & 6(B) of these guidelines.
- (b) The Commissioner will be competent to make

31

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

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

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

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

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

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

- (i) As per Rule 59(27) of Education Code.

"No teacher shall represent his grievance, if any, except through proper channel, nor will he canvass any non-official or outside influence or

support in respect of any matter pertaining to his service in the Vidyalaya."

(ii) As per Rule 20 of CCS(Conduct) Rules:

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

If the above provisions as mentioned at (i) and (ii) above are contravened, the following actions shall follow :

- (a) That the name of the applicant will be removed from the priority list and he/ she will be debarred from being considered for transfer without any further reference to the teacher.
- (b) That the teacher will be open to disciplinary proceedings as per rules.

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 duly examined and
recommended by respective Regional Medical
Board with latest records/reports (with in 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 will bear meaning as given in the Butterworth's Medical Dictionary.

(i) Cancer (malignant)

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

-34- 43

Exclusions:

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

(ii) Paralytic Stroke

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

Exclusions :

- i) Transient/Ischamic attacks.
- ii) Stroke-like syndromes resulting from
 - a) Head Injury
 - b) Intracranial space occupying lesions like abscess, traumatic hemorrhage and 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 regular haemodialysis and other relevant laboratory investigations and doctor certification.

35

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

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

Exclusions :

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

(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 transfusion for maintaining the hemoglobin level. In addition he is on chelating agent and other supportive care.

Inclusions:

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

Exclusion:

- (a) Patient may have Thalassaemia minor. His anemia may become severe because of concurrent infection or stress. Anemia may become severe because of nutritional deficiency or other associated factor.
- (b) Blood transfusion is not required and these patients do not require Chelation therapy.

-36

(vi) **PARKINSONS' DISEASE**

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

Must be confirmed by a neurologist.

Inclusion :

Involuntary tremulous motion with lessened muscular power, in parts not in action and even when supported; with a propensity to bend the trunk forward and to pass from a waling to 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, duration of 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 must be confirmed by Neurologist.

(vii) **MOTOR-NEURON DISEASE :**

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

Must be confirmed by neurologist.

- 37 -
Inclusions :

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

Exclusion:


Weakness of muscle due to other causes like infections, neuropathy traumatation, idiopathic, motor-neuron disease involving less than 02 limbs and the muscle power is more than 3 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 duly examined and recommended by respective Regional Medical Board with latest records/reports (with in three months).

Certified to be



Advocate