

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT GWALIOR

Original Application No. 843 of 2005

Gwalior, this the 13th day of September, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

P.K. Sinha, Son of B.P. Sinha,
aged about 57 years, Principal,
Kendriya Vidyalaya, Bhilai,
District Durg, (CG).

... Applicant

(By Advocate - Smt. Shimla Jain)

V e r s u s

1. Union of India, through the
Commissioner, Kendriya Vidyalaya
Sangathan, 18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
2. Deputy Commissioner (Pers.),
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed
Jeet Singh Marg, New Delhi.
3. Assistant Commissioner, Kendriya
Vidyalaya Sangathan, Regional
Office, Jabalpur. ... Respondents

O. R D E R (Oral)

By M.P. Singh, Vice Chairman -

Heard the learned counsel for the applicant.

2. By filing this Original Application the applicant has claimed the following main reliefs :

"(iv) the impugned order dated 18.8.2005 contained in Annexure A-1 be quashed, and

(v) the respondents be directed to allow the applicant to continue to work at Bhilai as Principal KV Bhilai, or in the alternative he maybe posted at one of the places of his choice mentioned in his representation Annexure A-6."

3. The brief facts of the case are that the applicant is working as Principal in Kendriya Vidyalaya, Bhilai. He has been transferred to Kendriya Vidyalaya, Panisagar

(sic 18.8.2005)
vide order dated 18th August, 2004/ (Annexure A-1). We find from the order dated 18th August, 2004 that it is not the applicant alone who has been transferred from Bhilai to Panisagar, there are 13 other Principals who are transferred from one place to another. Thus it is a routine transfer and the applicant has been transferred alongwith 13 other Principals. However, the applicant has submitted his representation dated 25.8.2005 (Annexure A-6) stating his difficulty to go on transfer on the ground that his old mother who is 80 years of age is facing eyesight problem and is bed ridden and suffering from bronchitis and heart disease. She is fully dependent on the applicant and requires routine medical treatment and personal care. He has also stated that out of his 29 years of service in Kendriya Vidyalaya Sangathan he has rendered 22 years of service in difficult stations such KV, Karanja & KV, Baikunthpur. The respondents have not yet taken any decision on the representation of the applicant. Hence, he has approached this Tribunal by filing the present Original Application.

4. It is a well settled legal position by the Hon'ble Supreme Court that in the cases of transfer the Courts/ Tribunals should not interfere unless the transfer is in violation of the statutory guidelines or is malafide. In this case no malafide has been alleged by the applicant as no officer has been impleaded as party in this OA. During the course of arguments, the learned counsel for the applicant has drawn our attention towards the guidelines issued by the Kendriya Vidyalaya Sangathan for transferring its employees. As per these guidelines, as far as possible the transfer of teaching staff and Principals should be issued by 30th June of every year. In this case the transfer order has been issued on 18th August, 2004

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i.e. after 30th June. The learned counsel for the applicant has submitted that by this time the children of the applicant have already been admitted in the schools, and if the applicant was to be transferred by the respondents he should have been transferred before 30th June i.e. beginning of the academic session. The applicant who is working as Principal is transferred in the mid of the academic session and therefore, it will be difficult for him to shift his family to the new place of posting.

5. Keeping in view the above facts, we are of the considered view that ends of justice would be met if we direct the respondent No. 1 to consider and decide the representation of the applicant dated 25.8.2005 (Annexure A-6) by passing a speaking, detailed and reasoned order within a period of four weeks from the date of receipt of a copy of this order. We do so accordingly. Till the said representation of the applicant is decided by the respondent No. 1, he will not be disturbed from the present place of posting. The learned counsel for the applicant is directed to send a copy of this order as well as the copy of the petition to the respondent No. 1 immediately.

6. Accordingly, the Original Application stands disposed of at the admission stage itself.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

Copy to :-

(i) Smt Simla Jain, Counsel for applicant
Jabalpur.

(ii) Respts No. 1 to 3

On file
15/10/05