

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 234 of 2003

Jabalpur, this the 28th day of April 2003.

Hon'ble Mr. R.K. Upadhyaya - Administrative Member  
Hon'ble Mr. J.K. Kaushik - Judicial Member

Smt. Asha Jalla  
W/o Shri Ashok Kumar Jalla,  
Aged about 47 years,  
Primary Teacher,  
Kendriya Vidyalaya (CMM),  
Jabalpur (M.P.)  
R/o Flat No. 202, Ideal Enclave,  
Hathital, Jabalpur (M.P.)  
(U/O of Transfer to K.V. Diu)

- APPLICANT

(By Advocate - Mr. Manoj Sharma)

VERSUS

1. Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-16  
Through it's Commissioner,
2. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Jabalpur region, K.V. No. I,  
G.C.F, Jabalpur (M.P.).
3. Shri Sarvesh Kumar  
Primary Teacher,  
Kendriya Vidyalaya, Along(11 Assam  
Rifles), Assam.  
(U/o of transfer to K.V., (CMM),  
Jabalpur.

- RESPONDENTS

ORDER (ORAL)

By R.K. Upadhyaya, Member Administrative;

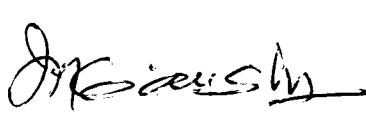
This application has been filed by the applicant challenging the order of transfer from Jabalpur to Diu as per order dated 31.3.2003 (Annexure A-1). The applicant states that she has been subjected to a hostile discrimination thereby violating her fundamental rights as enshrined under Article 16 of the Constitution. The learned

*Con. Manoj*

counsel for the applicant stated that the applicant is a Primary Teacher, and she has her personal problems like schooling of children and medical problems. The learned counsel for the applicant invited attention to the transfer guidelines, where it has been stated that a lady teacher could be transferred to a near-by place. In this case, the learned counsel for the applicant stated that the husband of the applicant is an employee of M.P. State Electricity Board and his services are not transferable out of Madhya Pradesh. It is further stated that the applicant has made a representation on 08.04.2003 (Annexure A-7), which is still pending for consideration. Though, the applicant has been relieved pursuant to the order of the transfer on 31.3.2003 (Annexure A-1).

2. Without expressing any opinion on the merits of the case of the applicant, we direct the applicant to send a copy of this order alongwith copy of the O.A. to the respondent No.1 within two weeks. In case, the applicant complies with our direction, the respondent No.1 is directed to decide the pending representation within two weeks from the date of receipt of copy of this order by speaking order, under intimation to the applicant. Till the disposal of the representation of the applicant, the applicant may not be forced to join new place of posting at Diu.

3. In view of our directions in the preceding paragraph, this O.A. is disposed of at the admission stage itself.

  
(J.K.Kaushik)  
JUDICIAL MEMBER

  
(R.K.Upadhyaya)  
ADMINISTRATIVE MEMBER

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिलिपि अध्ये शिल्प : -

- (1) रमेश, उत्तम लाल लाल एसोसिएशन, जबलपुर
- (2) अमेश, लैनलो/सु.....को लाइसेन्स Money Shawnee, Adv.
- (3) एस्ट्रेटी लैनलो/सु.....को लाइसेन्स R. No. 1
- (4) गंगापाल, कैम्पस, जबलपुर न्यायवीठ

सूचना एवं आवश्यक कार्यवाही देने

*Mr. Neelkanth*  
29.4.03

Issue d  
On 29/4/03  
By BZ