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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 294 of 2003

Jabalpur, this the 9th day of May 2003

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

Mrs. Malti Gupta, W/o. Shri O.P. Gupta, Aged about 49 years, Trained Graduate Teacher (Science), K.V. No. 2, Sagar (U/o. Promotion and transfer as PGT (Science) To KV, Guna).

... Applicant

(By Advocate - Shri Manoj Sharma)

V e r s u s

1. Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheedjeet Singh Marg, New Delhi - 110 016., Through its Commissioner.
2. The Assistant Commissioner (Transport & Finance), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheedjeet Singh Marg, New Delhi-110 016.
3. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Bhopal Region, Bhopal.

... Respondents

O R D E R (Oral)

By R.K. Upadhyaya, Admnv. Member :-

The applicant Mrs. Malti Gupta is a Trained Graduate Teacher (Science) posted at K.V. No. 2, Sagar. She has been promoted as Post Graduate Teacher (Biology) and on promotion she has been posted at Guna as per order dated 01/05/2003 (Annexure A/1). The learned counsel of the applicant stated that the applicant has not completed her stay of 5 years at the present station. Therefore she should have been given the benefit of amended clause 15 of the Transfer guidelines which provides that "subject to availability of vacancies lady staff members on promotion may be posted in the same station but in a different Vidyalaya from which she has been promoted." The learned

*Ch. N. Singh*

Counsel further states that on receipt of promotion and transfer order the applicant has made a detailed representation dated 06/05/2003 (Annexure A/5) to respondent No. 1, but no decision on that representation has been taken so far.

2. After hearing the learned counsel of the applicant and after perusal of the material available at the time of admission of this original application, we are of the <sup>/transfer</sup> view that the promotion/order dated 01/05/2003 in respect of the applicant (Annexure A/1) should not be implemented till the representation dated 06/05/2003 (Annexure A/5) of the applicant is decided by respondent No. 1. In the circumstances, without expressing any opinion on the merits of the claim of the applicant, we direct the applicant to send a copy of this order alongwith a copy of the original application by speed post within 3 days to avoid delay. In case the applicant complies with our direction, the respondent No. 1 is directed to dispose of the pending representation of the applicant by a speaking/order under and reasoned intimation to the applicant within a period of one month, from the date of its receipt. Till the disposal of the representation of the applicant, the impugned order dated 01/05/2003 (Annexure A/1) shall not be implemented in respect of the applicant.

3. In view of our directions in the preceding paragraph this original application is disposed of at the admission stage itself.

*J.K. Kaushik*  
(J.K. KAUSHIK)  
JUDICIAL MEMBER

*R.K. Upadhyaya*  
(R.K. UPADHYAYA)  
ADMINISTRATIVE MEMBER