

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 721 of 2003

Jabalpur, this the 16th day of October, 2003

Hon'ble Shri J.K. Kaushik, Judicial Member
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Smt. Sreedevi P.G. W/o.
Shree Kumar, Aged about 35
years, Post Graduate Teacher
(Maths), Kendriya Vidyalaya,
Bilaspur.

... Applicant

(By Advocate - Shri S.K. Nagpal)

V e r s u s

1. Union of India,
Through : The Commissioner,
The Kendriya Vidyalaya
Sangathan, Shaheed Jeet Singh
Marg, New Delhi - 16.

2. The Asstt. Commissioner, The
Kendriya Vidyalaya Sangathan,
Regional Office, Jabalpur.

3. The Principal, Kendriya Vidyalaya,
Bilaspur.

... Respondents

O R D E R

By Anand Kumar Bhatt, Administrative Member -

The present Original Application is against the order dated 28.07.2003 (Annexure A-1) rejecting the request of the applicant for her transfer to Kendriya Vidyalaya, Ernakulam.

2. The facts in brief are that the applicant was first posted as Post Graduate Teacher (Maths) in Kendriya Vidyalaya Wadsar on 16.12.1993. She was transferred from K.V. Wadsar to K.V., Newsprint Nagar vide order dated 12.07.1995. She completed five years of service in K.V., Newsprint Nagar and she requested for transfer to any of the KVs located at Kayamkulam, Adoor, Cochin, Alwaye or Kottayam. How

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transferred to KV Bilaspur vide order dated 25.06.2001. Aggrieved by this order she went to the Ernakulam Bench of the Tribunal in OA No. 564/2001, where an interim order was given to allow her to continue in News-print Nagar till further orders. In the meantime Smt. Jayasree Raghavan who was transferred in her place on her request from K.V. Bilaspur to K.V. Newsprint Nagar, joined at Newsprint Nagar. However in view of the order of the Tribunal Smt. Jayasree Raghavan was transferred back to Bilaspur and she filed OA No. 775/2001 in the Ernakulam Bench of the Tribunal. The Tribunal took up the two cases together by which Smt. Jayasree Raghavan was retained at Newsprint Nagar. However it was observed by the Tribunal in the order dated 27.09.2001 that "we also direct that the feasibility of giving the applicant posting to one of the Kendriya Vidyalayas at Chennai Region should also be considered by the first respondent. No costs." There upon the applicant gave a detailed representation on 13.10.2001 to the Commissioner, K.V.S., New Delhi. She had mentioned the names of some of the stations as Adoor, Kayamkulam, Calicut, Palaghat, Cochin, Kottayam, Trivandrum in the Chennai Region where she could be transferred/posted. K.V.S. has considered the representation for transfer to Chennai Region in their order dated 20.12.2001 (Annexure A-6). However it was not found feasible in the absence of vacancy in any Kendriya Vidyalayas in Chennai region. Her later representation has also been rejected by impugned order dated 28.07.2001 (Annexure A-1), in which it has been mentioned that her representation to K.V. Ernakulam could not be ^{acc}exceeded to. The applicant has also stated that vacancies of P.G.T., Maths are existing at K.V. Ernakulam and KV II Naval Base Cochin. In the relief clause the applicant has requested that she may be considered for posting at K.V. Ernakulam or KV II Naval Base Coch

one of the KVs in Chennai region namely Adoor, Kayamkulam,
and
Calicut, Palaghat, Cochin, Kottayam /Trivandrum.

3. We have heard the learned counsel for the applicant and have considered the pleadings and the documents in this case.

4. It is not denied that the applicant has All India Transfer liability. As per the guidelines of Kendriya Vidyalaya Sangathan generally ^{the teaching} employees of the K.V.S. are transferred within one region. The transfer guidelines issued by the K.V.S. or any other Government organisations are only indicative and not mandatory. Also the Tribunal has very limited jurisdiction to interfere with the matters of transfer which is basically the domain of the executive. The Hon'ble Supreme Court in various judgments have stated that the matter relating to transfers should be left in the hands of the administration and only two grounds have been mentioned where the Tribunal could possibly interfere : a) where malafide is proved and b) where there is violation of any statutory rules. No where any violation of statutory rules or malafides has been shown against the respondents. Some of the judgments in this regard are 1989 (3) SCC 455 - Union of India Versus H.N. Kirtania, JT 1989 (3) SC 20 - Gujrat Electricity Board and another Versus Atmaram Sungomal Poshani, JT 1995 (2) SC 498 - State of Madhya Pradesh Versus S.S. Kourav and others and AIR 1991 SC - 532 - Mrs. Shilpi Bose Versus State of Bihar. Two recent judgments of the Apex Court are 2001 SCC (L&S) 858 - State Bank of India Versus Anjam Sanyal & Ors and 2002SCC(L&S) 21 - National Hydro Electrical Power Corporation Versus Shri Bhagwan & Shiv Prakash. The Apex court has also ^{held} stated that the matter relating to personal difficulties are not to be adjudicated in the Tribunal but has to ^{be} decided by the adminis.

trative authority. Under the circumstances we find no reason to interfere in this case. The feasibility of transfer of the applicant was examined by the respondents after so directed by the Ernakulam Bench of the Tribunal in their order dated 27.09.2001. The applicant has applied for her transfer to KV Ernakulam in her representation dated 25.04.2003 (Annexure A-12) which has been rejected by the impugned order Annexure A-1. It is hoped that her request for transfer to any of the KVs in Chennai region would be considered by the respondents whenever it is found convenient feasible.

5. With the above observations the Original Application is dismissed at admission stage itself. No costs.

Anand Kumar Bhatt
(Anand Kumar Bhatt)
Administrative Member

JK Kaushik
(J.K. Kaushik)
Judicial Member

MSA

गोपीनाथन, जवलपुर
त्रिपुरा, भारत
S. K. Nagpal, F. C. C.

Exceed
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