

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 11th day of August, 2010

Original Application No. 375/2010

CORAM:

HON'BLE MR. M.L. CHAUHAN, MEMBER (JUDL.)

Prahlad Rai
s/o Shri Mangilal,
serving as TGT (P&HE),
Kendriya Vidyalaya, Nasirabad,
Distt. Ajmer
r/o 1/104, Royal Green,
Sirsi Road, Jaipur

... Applicant

(By Advocate: Shri Hawa Singh)

Versus

1. Kendriya Vidyalaya Sangathan
through its Commissioner,
18, Institutional Area,
Shaheed Jeeb Singh Marg,
New Delhi.
2. Smt. Omwati Yadav,
TGT (P&HE),
Kendriya Vidyalaya, Jhunjhunu,
Distt. Jhunjhunu.

... Respondents

(By Advocate:)

ORDER (ORAL)

The applicant has filed this OA thereby challenging the transfer order dated 5.7.2010 whereby in exercise of the powers conferred under Para 17.2 of Kendriya Vidyalaya Sangathan Transfer Guidelines, Smt. Omwati Yadav, TGT (P&HE) has been



transferred from Kendriya Vidyalaya (KV), Jhunjhunu to KV No.3, Jaipur at her own request which is effective from 1.9.2010. The case of the applicant is that he was transferred on displacement from KV No.5, Jaipur to KV, Nasirabad in public interest in order to accommodate a teacher who has completed tenure in hard/priority area. The grievance of the applicant is that in terms of Para 15.1 where a person has been displaced on account of accommodating a person who has served in hard/priority area, the request of the displacee for modification to the choice places has to be considered against the vacancy arising upto 30th November of the year. Thus, according to the applicant, in terms of this provision contained in Para 15.1 of the transfer guidelines, the applicant being displacee has to be adjusted at Jaipur against the vacancy which is going to fall vacant at KV No.3, Jaipur w.e.f. 1.9.2010 whereas the competent authority vide impugned order Ann.A/1 has transferred respondent No.2 and she has been directed to report for duty to the Principal, KV No.3, Jaipur on or after 1.9.2010.

2. I have heard the learned counsel for the applicant at admission stage.

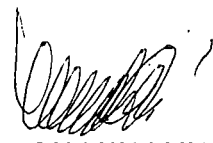
3. From the material placed on record, it is evident that the applicant has also made representation dated 19.7.2010 (Ann.A/5) followed by another representation dated 2.8.2010. (Ann.A/7) which has been forwarded to the Commissioner, KVS Headquarter, New Delhi through proper channel by the Principal, KV, Nasirabad. The

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said representation has not been decided so far. Thus without going into merit of the case and the fact that the case of the applicant is based on Para 15.1 of the transfer guidelines (Ann.A/8), I am of the view that ends of justice will be met, if direction is given to respondent No.1 to decide representation of the applicant Ann.A/7 by passing reasoned and speaking order preferably before 31.8.2010 and in any case not later than one month from the date of receipt of this order. Ordered accordingly.

4. With these observations, the OA is disposed of at admission stage.

5. The Registry is directed to send a copy of this order to respondent No.1. It will also be permissible for the applicant to make copy of this order available to respondent No.1 so that he can decide the representation expeditiously.



(M.L. CHAUHAN)
Judl. Member

R/