

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 24.09.2013

MA No. 322/2013 (OA No. 472/2013)

Mr. C.B. Sharma, counsel for applicant.
Mr. Hawa Singh, counsel for respondents.

MA No. 322/2013

Heard on the Misc. Application No. 322/2013 filed on behalf of the applicant praying for early hearing of the Original Application. Having considered the submissions made on behalf of the respective parties, the Original Application is taken up for hearing today itself. Accordingly, the Misc. Application is disposed of.

OA No. 472/2013

Heard learned counsel for the parties.

The Original Application is disposed of by a separate order on the separate sheets for the reasons recorded therein.



(ANIL KUMAR)
ADMINISTRATIVE MEMBER



(DR. K.B. SURESH)
JUDICIAL MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 472/2013

DATE OF ORDER: 24.09.2013

CORAM

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

D.K. Sharma S/o Shri Gopal Lal Sharma, aged about 48 years, R/o 119/245, Agarwal Farm, Mansarovar, Jaipur, and presently working as Assistant, Regional Office, Kendriya Vidyalaya Sangathan, 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur.

...Applicant

Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Kendriya Vidyalaya Sangathan through its Commissioner, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi - 110016.
2. Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur - 302015.
3. Ms. Neelam, Assistant Commissioner (Admn.) (Estt.-I), 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi - 110016.

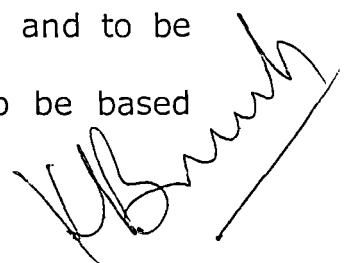
...Respondents

Mr. Hawa Singh, counsel for respondents.

ORDER

Heard the matter in great detail.

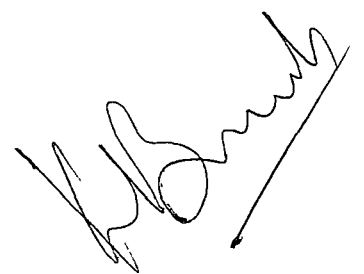
2. The impugned order dated 12.06.2013 (Annexure A/1), on the face of it, the same is not appropriate as it is not proper for any authority to pass an order of transfer and to direct in the same order of transfer that the concerned person stands relieved on the same day. There is no need for such extraordinary practice, which is not fair governance system. It should be left normally for relieving by the concerned authorities and to be decided at the time of relieving, which shall also be based



rational and logical reasons. In any way, we do not want to say any more on the merit. We feel it necessary to quash the impugned order dated 12.06.2013 (Annexure A/1) as proper application of mind seems to be left out.

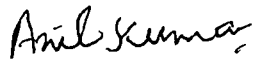
3. But having seen that if there is a need of the applicant to be transferred then the transfer order must be on the reasonable ground, which has been raised against the applicant to the effect that the applicant had been serving in the Region at Jaipur for 8½ years, therefore, on the basis of station seniority, the applicant's case should be re-considered before transferring him. Further, the respondents must ensure that no other person is left out at this particular place, who have more stay in the station than the applicant lest Article 14 will be rendered nugatory.

4. Similarly, request of retention at the station on the ground of illness is of significance, children studying in the lower class and being in the mid-academic session and such reasons which may allow them to be retained at the station, these shall be properly analysed while deciding the station seniority for the persons to be transferred out. We wish that the respondents will look into such factors and make a comparative analysis of all the employees available at a particular station and consider the case of the applicant for transfer to a suitable place, which according to the administrative convenience and efficiency is required but within 600 Kms. limit as had been earlier observed by the Tribunal.




5. We are not going into the merits of the case whether the place to which the applicant had been sought to be transferred is within 600 Kms. or not and we are not going to measure out the distance from one place to another but it shall be within the jurisdiction of the respondents to decide this issue correctly and, therefore, we quash the impugned order dated 12.06.2013 (Annexure A/1) and remit the matter back to the respondents to make a proper decision in case they decide to transfer the applicant, in such situation, the applicant shall have one month's time to challenge the order of transfer. In other words, he shall not be relieved for one more month, if he is to be transferred

6. The Original Application is, therefore, disposed of with the above terms with no order as to costs.



(ANIL KUMAR)
ADMINISTRATIVE MEMBER



(DR. K.B. SURESH)
JUDICIAL MEMBER

kumawat