

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1950/2016

Wednesday, this the 1st day of June 2016

Hon'ble Mr. P.K. Basu, Member (A)

Radha Charan
Aged 47 years
S/o Shri Kanchhi Lal
R/o 133-F, Pul Prahladpur
Mittal Chowk, New Delhi-110044.

Posted as Principal
Kendriya Vidyalaya
Itarana, Alwar, Rajasthan.

.. Applicant

(By Advocate : Shri Sanjay Sharawat with Shri Ratish Kumar)

Versus

Kendriya Vidyalaya Sangathan

(i) Having head office at
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi – 110016
Through its Commissioner.

(ii) Regional Office at
92, Gandhi Nagar Marg
Bazar Nagar, Jaipur 302015
Rajasthan
Through its Deputy Commissioner.

..Respondents

ORDER (ORAL)

Heard the learned counsel for the applicant.

2. The applicant has approached this Tribunal against his transfer from Kendriya Vidyalaya, Etarana, Alwar to Kendriya

Vidyalaya, BSF Ramgarh, Jaisalmer vide order dated 23.05.2016. It is stated that the applicant is 80% disabled and, therefore, he may be posted anywhere in a school in and around Delhi, so that he can look after his three children, who are studying in college/school and his wife has also expired in the year 2011.

3. The learned counsel for the applicant points out that as per DoPT O.M. dated 10.05.1990, Group 'C' and Group 'D' Staff, who are physically handicapped, as far as possible, subject to administrative constraints, should be placed near their native place within the region. He further points out about DoPT O.M. dated 13.03.2002 regarding posting of physically handicapped employees, which is in continuation of O.M. dated 10.05.1990 but extending the scope to Group 'A' and Group 'B' employees also. Thirdly, my attention is also drawn to DoPT O.M. dated 31.03.2014 regarding guidelines for providing certain facilities to persons with disabilities, specifically to para H, which again reiterate the earlier circulars.

4. The respondents had replied to Ministry of Social Justice and Empowerment, Department of Empowerment of Persons with Disabilities regarding the applicant's case vide letter dated 02.09.2015. In this letter in para 1, the various postings held by the applicant have been indicated. It is seen that after his initial appointment to Chhindwara, where he joined the post, he has been posted at Palwal, Noida, Ghaziabad, Pahalgam, Gorakhpur, New

Delhi, Delhi Cantt., Tughlakabad, Delhi and finally Itarana (Alwar) from 18.11.2013. Practically, in the last 13 years, he has been posted in and around Delhi except for a year and four months in Pahalgam.

5. It appears from the record that the applicant is indeed handicapped and has other family constraints, such as, the death of his wife and his three children depending on him. However, I do not see any reason to interfere in this transfer as the respondents have, as far as practically possible, tried to accommodate the applicant either in Delhi itself or within few kilometers from Delhi. I have also examined the OMs referred to by the learned counsel for the applicant. While there is a provision for trying to adjust physically handicapped employees near their native places, but that is subject to administrative constraints and as far as possible. I am satisfied that the respondents have considered the above instructions, as is evident from the order that the applicant was kept in or around Delhi. The O.A. is, therefore, dismissed. No order as to costs.

(P.K. Basu)
Member (A)

/Jyoti/