

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.3656/2016

This the 15th day of November, 2016

**Hon'ble Shri Justice Permod Kohli, Chairman
Hon'ble Shri Sudhir Kumar, Member(A)**

Mrs. R. Sarita Rao, Age 42 years
Principal, K.V. No.1 Binnaguri Cantt.
Jalpaiguri, West Bengal-735232
R/o C/1, Type 4, School Campus
Kendriya Vidyalaya No.1, Binnaguri Cantt
Jalpaiguri, West Bengal.Applicant

(Through Advocate: Shri Aditya Parolia)

Versus

1. Kendriya Vidyalaya Sangathan (HQ)
Through its Commissioner
18, Institutional Area, Saheed Jeet Singh Marg
New Delhi-110016.
2. Kendriya Vidyalaya Sangathan
Regional Office, Guwahati Region
Through its Deputy Commissioner
Jawahar Nagar, Khanapara
Guwahati-781022.
3. Union of India
Through Ministry of Human Resource & Development
Shastri Bhawan
New Delhi-110011.Respondents

Order (oral)

Justice Permod Kohli, Chairman

The applicant was serving as Principal at Kendriya
Vidyalaya Sangathan No.1, Binnaguri Cantt., Jalpaiguri, West

Bengal. Vide impugned order dated 22.08.2016, she was transferred to Kendriya Vidyalaya Sangathan, Nellore, Andhra Pradesh. Consequent upon her transfer, she was relieved vide another order dated 28.09.2016 *in-absentia*. Both these orders are under challenge in the present OA.

2. On 09.11.2016, Shri S. Rajappa, learned counsel was asked to seek instructions from the respondents whether the applicant can be allowed to continue at the present place of posting till the conclusion of current Academic Session as the children of the applicant are studying in 9th and 5th standard, respectively. Today, Shri S. Rajappa has reported that the applicant has already joined the place of posting. He has further reported that the request of the applicant for transfer, if any, can be considered during annual transfer, next year as per KVS transfer guidelines.

3. Learned counsel for the applicant has also placed on record a copy of memorandum dated 24.10.2016 which indicate that the Deputy Commissioner directed the applicant to join at KV Nellore. It is submitted that under the threat of the Deputy Commissioner, the applicant had joined.

4. Be that as it may, the fact is that the applicant has already joined the place of posting i.e. K.V., Nellore, Andhra Pradesh. In view of the joining of the applicant to the place of

transfer, it is not deemed appropriate to interfere in the matter. At the same time, it is not in dispute that the children of the applicant can be conveniently accommodated in the KV, Nellore as the syllabi of 9th class in all the KVs is common all over the country. Thus, the academics of the child of the applicant who is studying in 9th class will not be obstructed in any manner. Her second child is in 5th standard and he can also be accommodated at Nellore. The other contention of the applicant that she has served at hard stations only, can be examined by the respondents and for that matter, the applicant shall file a fresh representation within a period of two weeks. The same shall be considered by the competent authority within a period of one month from the date of receipt of representation and outcome communicated to the applicant.

5. In view of the above circumstances, this OA is disposed of.

(Sudhir Kumar)
Member(A)

(Justice Permod Kohli)
Chairman

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