

Central Administrative Tribunal
Jaipur Bench, Jaipur

O.A. No. 70/2018

Date of decision: 25.04.2019

Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhyaya, Member (A)

Mrs. Manoj Yadav W/o Shri Amit Yadav, aged 36 years, R/o 1029, B.K.Kaul, Ajmer (Rajasthan (Presently posted at Kendriya Vidyalaya No.2, C.R.P.F., Ajmer (Raj.).

...Applicant.

(By Advocate:Ms.Kavita Bhati)

Versus

1. Kendriya Vidyalaya Sangathan, through the Commissioner, 18, Institutional Area, Shaheed Jeet Marg, New Delhi-110016.
2. The Assistant Commissioner (Estt.), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Marg, New Delhi-110016.
3. The Deputy Commissioner, Kendriya Vidyalaya Sangathan (RO) 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur 302016.
4. The Principal, Kendriya Vidyalaya No.2, C.R.P.F., Ajmer (Raj).
5. Shri Nand Lal Chejara, presently posted as TGT, English Teacher, Kendriya Vidyalaya No.1, Jaipur.

...Respondents.

(By Advocate: Shri Hawa Singh)

(2)

ORDER (ORAL)

Per: Suresh Kumar Monga, Member (J):

Aggrieved by an order dated 02.11.2017, vide which the applicant was ordered to be transferred from KV Ajmer.II to K.V. Budayan, District Jind, Haryana, the applicant had preferred an Original Application No.556/2017 before this Tribunal. On 03.11.2017, the following order was passed by this Tribunal as an interim measure in the said Original Application:

“Heard the learned counsel for the applicant. Issue notice.

Learned counsel for the applicant also presses for interim relief.

Issue notice to the respondents, returnable on 18.01.2018. In the meantime, the respondents are directed not to relieve the applicant till the next date of hearing.”

2. During pendency of the said Original Application, the respondents had issued a fresh order dated 23.11.2017 and while modifying their earlier order dated 02.11.2017, the applicant was ordered to be posted at KV Bhilwara. In view of the said fresh order passed by the respondents, the applicant withdrew the Original Application No.556/2017 and preferred the Original Application No.70/2018 challenging the order dated 23.11.2017.

3. After taking into consideration the entire facts and circumstances of the case, on 20.02.2018, this Tribunal ordered the status quo with regard to applicant's posting in OA

(3)

No.70/2018 as an interim measure. Consequent thereto, the applicant was permitted to work at KV Ajmer. The applicant's case was that the vacancy of TGT (English) which became available in KV No.1 at Jaipur, on which Respondent No.5 was ordered to be posted, she had a preferential right to be posted against that vacancy because of the points earned by her in terms of the policy guidelines issued by the respondents dealing with the matter of transfers and postings.

4. During pendency of the OA, one more post became available in KV-7 at Jaipur and the representation submitted by the applicant laying down therein her claim for posting against said vacancy was also rejected by the respondents on 15.05.2018. Thereafter, the applicant filed MA No.405/2018 seeking amendment of the Original Application enabling her to challenge the posting order of Respondent No.6 as well. The said Miscellaneous Application was allowed and the applicant was permitted to amend the O.A. on 19.09.2018.

5. Today, at the very outset, Ms.Kavita Bhati, learned counsel for the applicant stated that Respondent No.5 shall be retiring after attaining the age of superannuation on 30.04.2019 and, therefore, a post of TGT (English) will again become available on 01.05.2019. She further stated that the applicant would be satisfied if the respondents now consider her case for posting at Kendriya Vidyalaya No.1 at Jaipur.

(4)

6. In view of the above statement made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application with a direction to Commissioner, Kendriya Vidyalaya Sangathan (Respondent No.1) to revisit the order dated 15.05.2018 and pass a fresh order in accordance with the policy guidelines issued by the respondent organization. The applicant shall be permitted to submit a comprehensive representation narrating therein all the facts and her personal circumstances. If such a representation is filed by the applicant within a period of 7 days from today, the same shall be taken into consideration while revisiting the order dated 15.05.2018 by the Commissioner, Kendriya Vidyalaya Sangathan. A further direction is issued that before taking any decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of 15 days from the date of receipt of a certified copy of this order. Till such time, a fresh order is passed by the Commissioner, Kendriya Vidyalaya Sangathan, the post of TGT (English) at Kendriya Vidyalaya No.1, Jaipur becoming available on 01.05.2019 shall not be filled up.

7. Ordered accordingly. No order as to costs.

(A.Mukhopadhyaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/