

**Central Administrative Tribunal
Principal Bench**

OA No.4600/2017

New Delhi, this the 14th day of March, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Deependra Kumar Thakur
Aged 43 years,
Group B,
S/o Late Ganesh Thakur,
Working as TGT (Hindi) in KVS
K. V. Vasant Kunj, New Delhi (under transfer)
R/o Flat No.3, FF, Lakshyadeep Apartment,
Ward No.1, DESU Road, Mehrauli,
New Delhi-30. Applicant.

(By Advocate : Shri Yogesh Sharma)

Vs.

1. Kendriya Vidyalaya Sangathan
Through its Commissioner
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi.
2. The Assistant Commissioner (Estt.)
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi.
3. The Principal
Kendriya Vidyalaya, Vasant Kunj,
Pocket B 5 & 6 (Opp. B-3 Market)
New Delhi. ... Respondents.

(By Advocate : Shri S. Rajappa)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant is a Trained Graduate Teacher (for short, TGT) of Kendriya Vidyalaya Sangathan (for short, KVS). He was working in KVS, Vasant Kunj in the year 2017. Through an order dated 18.12.2017, he was transferred to KVS, Yol, Cantt in the State of Maharashtra by invoking para 7 (e) of KVS transfer guidelines. The same is challenged in this OA.

2. The applicant contends that simply by taking into account an inconsequential incident that has taken place in the Institution, a punitive provision like para 7 (e) was invoked against him, and he was transferred to a distant place. Several grounds are urged in challenge to the order of transfer.

3. Respondents filed a detailed counter affidavit opposing the OA. It is stated that the impugned order had to be passed on account of certain acts and omissions on the part of the applicant.

4. We heard Shri Yogesh Sharma, learned counsel for the applicant and Shri S. Rajappa, learned counsel for the respondents.

5. An interim order was passed way back on 26.12.2017. Ever since, the applicant is not discharging duties anywhere. During the pendency of the OA, learned counsel

for the respondents was required to obtain instructions as to whether it would be feasible for the respondents to transfer the applicant to a nearby place. On instructions, it is stated that the respondents are willing to post the applicant in KVS at Meerut. As of now, the respondents do not appear to be interested in treating the transfer on punitive grounds.

6. We, therefore, dispose of the OA directing that the impugned order shall be modified to be the one of transfer simplicitor, transferring the applicant to KVS, Meerut without any punitive or negative element. The applicant is granted 15 days time to report to duty at the transferred place.

7. It shall be open to the applicant to make representation regarding the manner in which the period from the date of order of transfer dated 18.12.2017 and the date of his joining at KVS, Meerut, shall be treated. As and when such representation is made, appropriate orders shall be passed within a period of four weeks thereafter. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/