

**Central Administrative Tribunal
Principal Bench**

OA No.677/2018

New Delhi, this the 17th day of October, 2019

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

Dr. M. L. Mishra
aged 53 years,
S/o Late H. N. Shastri
working as Assistant Commissioner in KVS
posted in regional office, Agra
r/o K. V. Staff Quarter, Agra Cantt Campus,
Agra (UP). Applicant.

(By Advocate : Shri Yogesh Sharma)

Vs.

1. Kendriya Vidyalaya Sangathan
Through the Commissioner
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
2. The Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi. ... Respondents.

(By Advocate : Shri S. Rajappa)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant joined the service of Kendriya Vidyalaya Sangathan as Assistant Commissioner on 20.10.2012, at Patna. He was transferred to KVS, Agra, in the year 2016. He made a representation in the year 2017 with a request to transfer him to Patna or Delhi, by stating the difficulties

being faced by him at Agra. Alleging that the representation was not being attended to, he filed OA No.3833/2017. It was disposed of on 02.11.2017 directing the respondents to pass a speaking order. Accordingly, a Memorandum was issued on 16.01.2018 expressing their inability to transfer the applicant, out of turn. The same is challenged in this OA.

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

3. The effort of the applicant is to get transferred to Patna or Delhi or to any other better place, from Agra. The Transfer Policy provides certain benefits in favour of the physically handicapped officials. It is more in the form of exemption from the routine transfers. The applicant made the effort to get transferred out of turn, to any other place from Agra. The respondents, however, expressed their difficulty.

4. The post of Assistant Commissioner is important in the administration of the Sangathan and finding a vacancy suitable for the applicant is not that easy. All the same, the applicant has completed three years of service at the present station, and became due for routine transfer. The

respondents have also stated that they would consider the request of the applicant in the routine transfers.

5. We, therefore, dispose of the OA directing that the respondents shall keep in view, the handicap of the applicant while transferring him, as part of the routine transfers. The disciplinary proceedings that are said to be pending against the applicant shall not be treated as relevant in the context of transfer. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/