

.1.

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00603/2019

Friday, this the 6th day of September, 2019

C O R A M :

HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER

Jaya.P., Aged 53 years,
W/o.G.Rajagopal,
Post Graduate Teacher (English),
Kendriya Vidyalaya No.1,
Naval Base, Kochi – 682 004.
Residing at Easwari Nivas,
Narayana Pisharadi Lane,
Kanattukara, Thrissur – 680 011. ...Applicant

(By Advocate Mr.T.C.Govindaswamy)

v e r s u s

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
No.18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 110 016.
2. The Assistant Commissioner (Estt.II),
Kendriya Vidyalaya Sangathan,
No.18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 110 016.
3. The Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Ernakulam, Kochi – 682 020.
4. The Principal, Kendriya Vidyalaya No.1,
Naval Base, Kochi – 682 004.
5. The Principal, Kendriya Vidyalaya,
Kavaratti – 682 555. ...Respondents

(By Advocate Mr.K.I.Mayankutty Mather)

.2.

This application having been heard on 6th September 2019, the Tribunal on the same day delivered the following :

ORDER (ORAL)

Heard learned counsel for the parties at length on two occasions with regard to considering the request of the applicant for her transfer to Palakkad or Thrissur. In this case the applicant has got a series of transfer orders. Initially the applicant was transferred to Kendriya Vidyalaya, Eluru in Andhra Pradesh. The said transfer was cancelled as there was no vacancy at the said school. Thereafter the applicant was again transferred to a hard station, ie., Kendriya Vidyalaya, Kavaratti. This order was also cancelled by the respondents as in terms of para 8 of the Transfer Guidelines she is not liable to transferred to a very hard station. The applicant has put forth all her grievances and personal difficulties which unables her to move out of Kerala and prayed that she may be considered for transfer within Kerala itself, particularly, at Palakkad or Thrissur.

2. Shri.K.I.Mayankutty Mather put appearance and apprise this Tribunal that he has discussed with the Central Office with regard to the case of the applicant. He submitted that in the middle of the academic session the department feels not to transfer anyone. But, at the same time, they are not averse to consider the request of the applicant for transfer even on mutual ground or otherwise in case of existence of vacancy within Kerala along with others.

.3.

3. Taking note of the above observations, the respondents are directed that while making transfers after the completion of this academic session the applicant's request for transfer to Kendriya Vidyalaya, Palakkad or Thrissur or anywhere in Kerala may be considered even if she has not applied for the same online due to technical software difficulty stated by her and if possible the respondents may consider the mutual transfer request of the applicant in accordance with the rules.

4. The O.A is disposed of as above. No costs.

(Dated this the 6th day of September 2019)

**ASHISH KALIA
JUDICIAL MEMBER**

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List of Annexures in O.A.No.180/00603/2019

- 1. Annexure A-1** – A copy of the Transfer Order bearing F.No.11046/Annual Transfer 2019/KVS(HQ)/Estt.II/D1 Transfer dated 26.7.2019, issued from the office of the 1st respondent and downloaded from the website of the respondents.
- 2. Annexure A-2** – A copy of the Relieving Order bearing Ref.No.31046/KV1 Kochi/2019-2020 dated 27th July 2019, issued from the office of the 4th respondent.
- 3. Annexure A-3** – A copy of the Transfer Modification Order bearing F.No.11046/Annual Transfer 2019/KVS (HQ)/Estt.II/Modification dated 10.8.2019 issued from the office of the 1st respondent and downloaded from the website of the respondents.
- 4. Annexure A-4** – A copy of the e-mail communication dated 27.7.2019 received from the Principal, KV/Eluru.
- 5. Annexure A-4(a)** – A copy of the communication sent by the Principal KV/Eluru bearing F.No.8-2/KV/ELR/2019-20 dated 27.7.2019.
- 6. Annexure A-5** – A copy of the Transfer Guidelines of Kendriya Vidyalaya Sangathan, 2018 issued from the office of the 1st respondent.
- 7. Annexure A-6** – A copy of the representation dated 27.7.2019 sent by e-mail with copy to the 3rd respondent.
- 8. Annexure A-7** – A copy of the representation dated 4.8.2019 addressed to the 2nd respondent.
- 9. Annexure A-8** – A copy of the representation dated 4.8.2019 addressed to the 3rd respondent.
- 10. Annexure A-9** – A copy of the communication to the 2nd respondent bearing No.F.310-46/2018-19/KVSRO(EKM)ROSO dated 5.8.2019.
- 11. Annexure A-10** – A copy of the Order/Corrigendum issued by the 2nd respondent bearing F.No.11046/Annual Transfer 2019/KVS(HQ)/Estt.II dated 13.8.2019.
- 12. Annexure A-11** – A copy of the Office Order bearing F.No.7-9/VP(DR/2018-KVS(E-1)/15578-15595 dated 26/27.8.2019, a true copy of which issued from the office of the 1st respondent.
