

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

**Original Application No.290/00144/2019**

Jodhpur, this the 18<sup>th</sup> September, 2019

**CORAM**

**Hon'ble Smt Hina P. Shah, Judicial Member**

**Hon'ble Ms Archana Nigam, Administrative Member**

Smt. Vandana Lahora D/o Shri Kishanlal Lohara, aged 36 years. Presently posted at Kendriya Vidyalaya, IIT Campus, Jodhpur (Raj.).

.....Applicant

By Advocate : Mr Jog Singh Bhati.

Versus

1. Kendriya Vidyalaya Sangathan through the Commissioner, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.
2. The Assistant Commissioner (Estt.-II), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.
3. The Deputy Commissioner, Kendriya Vidyalaya Sangathan (R.O.), 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur-302016.
4. Smt. Anita Kanwar, TGT Science, Kendriya Vidyalaya No. 1, Bikaner (Raj.) – 334001.

.....Respondents

By Advocates : Mr Avinash Acharya (Respondents No. 1 to 3).  
Mr T.S. Rathore (Respondent No. 4)

**ORDER**

**Per Smt. Hina P. Shah**

The applicant in the present OA has prayed relief of seeking modification in the posting order dated 08.03.2019 qua applicant and to consider her candidature for posting her at Bikaner. Interim relief was also sought by the applicant on 04.07.2019 and

notices were issued to the respondents on the said date for filing the reply on the question of interim relief claimed by the applicant. Thereafter, matter was adjourned to 17.07.2019, 19.08.19 and even today, i.e. on 19.09.2019, the official respondents have failed to file reply on the issue of interim relief.

2. Learned counsel for the applicant today insisted for hearing on the question of interim relief in the present matter. Learned counsels for respondent No. 1 to 3, i.e. official respondents and for respondent No. 4, i.e. private respondent were present during the hearing and in their presence and with their consent the matter is being heard for I.R.

3. It is the plea of the applicant that as per order dated 08.03.2019 (Annex. A/3), the applicant was promoted and posted to IIT Campus, Jodhpur from K.V. No. 3, Bikaner. Thereafter, the applicant submitted her representations on 14.03.2019 and 17.05.2019 on the ground that there was a vacancy available at Bikaner and that she should have been adjusted at the same place. In the meanwhile, the respondents vide letter dated 07.06.2019 issued letter pertaining to the postings of teachers promoted through Limited Departmental Competitive Examination (LDCE) from the PRT to TGT in the year 2019. It was made clear in the said letter that KVS has made all efforts to post teachers on promotion against an available vacancy in the same Kendriya Vidyalaya or nearby. It was further made clear that

inspite of that some teachers could not be posted nearby due to non-availability of vacancies and representations were called from the teachers who have been promoted through LDCE in 2019 and wish for a request for change of place of posting. Accordingly, the applicant had filed representation dated 17.05.2019 (Annex. A/5) and emailed the same. The submission of the applicant was that a vacancy of TGT Science still arose in KV No. 1 Bikaner for which the applicant is raising her claim. Applicant submits that she had made representation for modification of her place of posting to Bikaner whereas as per order dated 26.06.2019, she has been shown posted at Jodhpur. But instead, the respondents posted private respondent No. 4 Smt. Anita Kanwar has been posted at her claimed vacancy for which she had represented. It is her prayer that no discrimination should be made to the teachers as it was very clear that the place at which the applicant chose for modification for her posting was lying vacant at that relevant time and inspite of that private respondent No. 4 has been posted in the said place. Therefore, it is the prayer of the applicant that she will be satisfied if she is allowed to make a detailed representation and the same is decided by the respondents in a time bound manner.

4. It is clear from the pleadings that there was a vacancy in Bikaner for the post of TGT Science for which the applicant had already raised her claim by way of her representations dated

14.03.2019 and 17.05.2019 which was raised after passing of the order of posting dated 08.03.2019 (Annex. A/3). In spite of several accommodations made by the respondents, yet the applicant is shown to be posted at Jodhpur vide order dated 26.06.2019. In these circumstances, as the prayer of the applicant is that if respondents consider her representation sympathetically and pass reasoned and speaking order she would be satisfied.

5. Accordingly, applicant is directed to file representation within a week in this regard from the date of receipt of a copy of this order. Thereafter, respondents shall decide the same sympathetically by way of reasoned and speaking order within 04 weeks from the date of receipt of such representation.

6. In above terms, OA is disposed of with no order as to costs.

**[Archana Nigam]**  
**Administrative Member**

**[Hina P. Shah]**  
**Judicial Member**

Ss/-