

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

O.A. No.290/00173/2019

Jodhpur, this the 30th July, 2019

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

Hon'ble Ms Archana Nigam, Administrative Member

Amardeep son of Shri Ram Kumar Dudi, aged 36 years, resident of village Thalarka, Tehsil Rawatsar, District Hanumangarh (Raj.). (presently posted on the post of PGT Physics at Kendriya Vidyalaya No.1, Bikaner (Raj)).

.....Applicant

By Advocate : Mr. Jog Singh Bhati

Versus

- (1) Kendriya Vidhyalaya Sangthan through the Commissioner, 18-Institutional Area, Shaheed Ajit Singh Marg, New Delhi-110016.
- (2) The Assistant Commissioner (Establishment-II), Kendriya Vidhyalaya Sangthan, 18-Institutional Area, Shaheed Ajit Singh Marg, New Delhi-110016.
- (3) The Deputy Commissioner, Kendriya Vidhyalaya Sangthan, Regional Office, 92 Gandhi Nagar Marg, Bajaj Nagar, Jaipur.
- (4) Shri Ramesh Kumar, PGT (Physics), Kendriya Vidhyalaya, Hissar Cantt, (Haryana).

.....Respondents

ORDER (Oral)

Per Smt. Hina P. Shah

Heard learned counsel for the applicant.

The applicant has filed the present OA for quashing and setting aside the impugned order dated 22.07.2019 (Annexure-A/1) on the ground that the case of the applicant for request transfer in surplus category under the provisions of Transfer Guidelines of KVS 2018 (Annexure-A/3) at his request choice station i.e. Kendriya Vidyalaya No.1 Sirsa (AFS), Haryana, has not been considered by the respondents.

2. From perusal of impugned Annexure-A/1 transfer order, it is clear that this transfer order does not pertain to the applicant, whereas it pertains to respondent No.4, by which he has been transferred from Hisar Cantt to Sirsa No.1 (AFS). It is the contention of the applicant that as per the rules, since he is a surplus staff in PGT (Physics) and was asked to submit his choice station and as he also completed his hard station tenure, the present place of posting i.e. KV No.1 Sirsa (AFS) Haryana, should be given to him on special priority. Further, the case of the applicant has not been considered as per the objective and provisions of transfer guidelines, therefore, he prayed that the impugned transfer order of the respondent No.4 be quashed and his case for his choice station be considered.

3. Admittedly, the applicant has approached this Tribunal prematurely as he has not filed any representation/application before the competent authority for redressal of his grievances.

4. At this stage, learned counsel for the applicant submits that the applicant would be satisfied if the applicant is permitted to file a detailed representation before the competent authority and the competent authority be directed to decide the same sympathetically in a time bound manner.

5. After considering the arguments advanced by learned counsel for the applicant, we deem it appropriate to dispose of this OA at this stage in view of limited prayer made by the applicant. Accordingly, we direct the applicant to file a detailed representation before the competent authority mentioning all his grievances therein within a period of one week from the date of receipt of copy of this order and the competent authority is also directed to decide the same within a period from of three weeks from the date of receipt of such representation strictly in accordance with law by way of passing a reasoned and speaking order.

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

[Archana Nigam]
Administrative Member

[Hina P. Shah]
Judicial Member