

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

**O.A. No.290/00203/2019**

Jodhpur, this the 28<sup>th</sup> August, 2019

**CORAM**

**Hon'ble Smt Hina P. Shah, Judicial Member  
Hon'ble Ms Archana Nigam, Administrative Member**

Ateeque Ahmed S/o Shri Rasheed Ahmed, aged 55 years, R/o 85-A,  
DIG Firoz Khan Colony, Sutla, Jodhpur (presently posted as SSA at Air  
Force (KV No.1).

.....Applicant

By Advocate : Mr K.K. Shah.

Versus

- (1) Kendriya Vidyalay Sansthan through Commissioner, 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.
- (2) Deputy Commissioner, 92 Gandhi Nagar Marg, Bajaj Nagar, Jaipur-302015.
- (3) Principal, Kendriya Vidyalaya No.1 (Air Force), Jodhpur (Raj.).342011.

.....Respondents

**ORDER (Oral)**

**Per Smt. Hina P. Shah**

Heard learned counsel for the applicant.

The applicant has filed the present OA seeking modification of the Annexure-A/1 ordered 16.08.2019 by which he has been transferred to KV No. (AF) Bhuj from KV No.2 (AF) Jodhpur.

2. Learned counsel for the applicant submitted that the applicant has served hard stations on two occasions and now, the applicant was promoted as Assistant Section Officer Vide order dated 16.08.2019 whereby he was transferred on promotion to KV No.1 (Air Force), Bhuj (Gujarat). He further submitted that one Shri Phool Singh, who is promoted and posted from Jaipur to KV No.2 (Air Force) Jodhpur has shown his unwillingness to accept the promotion and has submitted non-acceptance letter to the respondent No.1 on 21.08.2019. Hence, the vacancy of Assistant Section Officer remains unfilled at KV No.2 (Air Force) Jodhpur. Therefore, the applicant submitted a representation dated 21.08.2019 before the respondent authority for modifying his posting to KV No.1 (AF) Jodhpur where a clear vacancy is available. He also submitted therein that his wife also posted to a school near Jodhpur in Government School of Rajasthan. Therefore, he prayed that since the said post is vacant and the person who is posted there is not interested to join the said post, therefore, his case may be considered sympathetically. But the said representation has not yet been decided by the respondents.

3. Mr K.K. Shah, learned counsel for the applicant submitted that the applicant would be satisfied if the respondents may be directed to decide the representation of the applicant dated 21.08.2019 sympathetically and till disposal of the said representation, the Annexure-A/1 order dated 16.08.2019 may be kept in abeyance qua the applicant.

4. We have considered the arguments advanced by learned counsel for the applicant and we deem it appropriate to dispose of this OA at this stage in view of limited prayer made by the applicant

and also looking to the fact that the Shri Phool Singh who is promoted and posted from Jaipur to KV No.2 (Air Force) Jodhpur has shown his unwillingness to accept the promotion and the said post is still lying vacant as submitted by the applicant. Therefore, looking to the aforesaid facts and circumstances of the case, we direct the respondents department to decide the representation of the applicant dated 21.08.2019 regarding modification/changing of his place of posting from KV No.1 (Air Force), Bhuj Gujarat to KV No.2 (Air Force) Jodhpur in accordance with law within a period of four weeks from the date of receipt of a certified copy of this order. Till the disposal of the said representation, the applicant may not be relieved (if he is not relieved till date) from his present place of posting i.e. KV No.1 Air Force Jodhpur to KV No.1 (Air Force) Bhuj Gujarat as per Annexure-A/1 order dated 16.08.2019. It is also made clear that if the respondents have already posted any other person at KV No.2 (Air Force) Jodhpur till today, then this order will have no effect. Further, once the representation of the applicant is decided, the aforesaid protection granted in favour of the applicant will automatically end and will have no bearing.

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

**[Archana Nigam]  
Administrative Member**

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