

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2300/2003

New Delhi this the 18th day of September, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

Smt. Vinod Malhotra,
W/O Shri Naveen Kumar Malhotra,
R/O 861, Sector 37, Faridabad,
Haryana.

..Applicant

(By Advocate Ms. Reeta Chaudhary)

VERSUS

1. The Principal,
Kendriya Vidyalaya,
NTPC Badarpur, New Delhi.

2. Education Officer,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shahidjeet Singh Marg,
New Delhi-16

3. Kendriya Vidyalaya Sangathan,
Through Commissioner,
18, Institutional Area, Shahidjeet
Singh Marg, New Delhi.

..Respondents

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

In this application, the applicant has impugned the Office Order issued by the respondents dated 18.7.2003 in which among 45 teachers, her name is mentioned at serial No.8. By this order, the respondents have transferred the applicant along with other persons to various other Kendriya Vidyalayas stating that due to staff in excess of the sanctioned strength in certain Vidyalayas, they were required to be redeployed against the existing vacancies in other Kendriya Vidyalayas which has, therefore, been done in public interest.

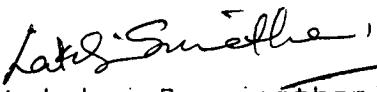
2. Learned counsel for the applicant has submitted

that by an earlier order dated 16.6.2003, the applicant had been transferred from Kendriya Vidyalaya, NTPC, Badarpur to Kendriya Vidyalaya No.2, Agra Cantt. ~~in~~ public interest. She had made a representation against this order on 30.6.2003 which had been finally considered by the ~~respondents and cancelled that transfer order by their order dated 4.7.2003.~~ ^{18/} ~~cancelle~~ ^{18/} ~~order~~ dated 4.7.2003. Learned counsel has raised a ground that within one month of the earlier transfer order of the applicant from Kendriya Vidyalaya, NTPC Badarpur to Kendriya Vidyalaya No.2, Agra Cantt., the respondents have again issued impugned ~~office~~ order dated 18.7.2003, transferring her to BCPP Korba, Jabalpur. She has submitted that against this impugned transfer order, the applicant had filed Writ Petition (Writ Petition 5172/2003) before the Hon'ble Delhi High Court and the same was withdrawn by the applicant on 9.9.2003 as the Hon'ble High Court has no jurisdiction in the matter. During the hearing learned counsel for the applicant has admitted that the applicant has not submitted any representation against the impugned transfer order dated 18.7.2003 to the respondents as she has done on the previous occasion, when she was transferred to Agra Cantt. but has filed this OA in the Tribunal on 15.9.2003.

3. From the above facts, it is evident that the applicant has failed to exhaust available remedies, as she has not even made a representation against the impugned transfer order dated 18.7.2003 to the respondents, as required under ~~the~~ law. The provisions of Section 20 of the Administrative Tribunals Act, 1985 are relevant as well as 18/

the judgement of the Hon'ble Supreme Court in UOI & Ors Vs. S.L.Abbas (1993(2)SCC371) in this case.

4. In the above facts and circumstances of the case, the OA is premature and is accordingly dismissed in limine.


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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