

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/1142/2019

Date of decision: 06.11.2019

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MR. MOHD. JAMSHED, MEMBER (A).**

...

Anup Singh S/o Sh. Zile Singh, aged 44 years, PGT (Maths) at K.V. Kapurthala (Now under Transfer to K.V. Sunderbani, BSF, (J&K), R/o V.P.O. Rajlu Garhi, Tehsil Ganaur, Distt. Sonapat-Haryana-131101.

... APPLICANT

VERSUS

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.
2. The Asstt. Commissioner (Establishment), 2/3 KVS Headquarters, Shaheed Jeet Singh Marg, New Delhi-110016.
3. Deputy Commissioner, Kendriya Vidyalaya Sangathan (R.O.), Sector-31-A, Chandigarh-160031.

... RESPONDENTS

PRESENT: Sh. K.B. Sharma, counsel for the applicant.
Sh. R.K. Sharma, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant lays challenge to order dated 18.10.2019 (Annexure A-3), whereby he has been transferred from Kendriya Vidyalaya, Kapurthala to Kendriya Vidyalaya Sunderbani (J&K).

2. The applicant has taken various grounds for invalidation of his transfer order, firstly that his transfer on declaring him surplus is against transfer policy (Annexure A-2) as in terms of para 5 (a) under the heading of "Administrative Transfer of Employees" thereof, respondents ought to have considered choice stations given by the applicant. Since while passing impugned order, respondents have not considered choice stations given by the applicant, therefore, his transfer is contrary to policy. Another ground taken is that in terms of clause 7 of the policy, if a clear vacancy is available at the choice stations then respondents can transfer surplus staff to those stations. In support of his plea, learned counsel for the applicant submitted that children of the applicant are studying at Kapurthala. His son is studying in class 10+1 and both his children also taking Coaching from Akash Institute for which he has already deposited fees and due to his transfer, their education will be frustrated. He submitted that if children are studying in 10+1 and 10+2, then Court can come to rescue on transfer till the children complete the Course. Therefore, he submitted that impugned order is in violation of transfer policy. He further submitted that applicant has submitted representation dated 19.10.2019, which is still pending unanswered. Therefore, he made a prayer at the bar that applicant will be satisfied if at this stage, direction is issued to the respondents to reconsider his case for his transfer to one of the choice stations or to post him nearby Kapurthala. He also submitted that applicant will join place of transfer within relieving time but not later than seven days.

3. Issue notice.

4. On our asking, Sh. R.K. Sharma, accepts notice and did not object to prayer of the applicant for disposal of this O.A. in the above terms.
5. In the wake of consensual agreement arrived at between the parties, We dispose of this O.A. by directing the Competent Authority amongst the respondents to address the grievance of the applicant by deciding his indicated representation objectively within a period of three weeks from the date of receipt of a certified copy of this order. No costs.

(MOHD JAMSHED)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 06.11.2019.
Place: Chandigarh.

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