

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01145/2019
Chandigarh, this the 13th day of November, 2019

...
CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

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Vineeta Choudhary (age 55 years) wife of R.K. Gaira, resident of House no. 1579, Sector 13, Urban Estate, Karnal (Group B)

....**Applicant**

(Present: Mr. Dhiraj Chawla , Advocate)

Versus

1. Kendriya Vidhyalaya Sangathan through the Commissioner, 18-Institutional Area, Shaheed Ajit Singh Marg, New Delhi – 110016.
2. The Assistant Commissioner (Establishment-II), Kendriya Vidhyalaya Sangathan, 18-Institutional Area, Shaheed Ajit Singh Marg, New Delhi – 110016.
3. The Deputy Commissioner, Kendriya Vidhyalaya Sangathan, Regional Office, KV No. 1, AFS Campus, Sector 14, Gurugram (Haryana) – 122001.

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Respondents

(Present: Mr. R.K. Sharma, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant, by way of the present O.A., has challenged the order dated 18.10.2019 (Annexure A-1) whereby she has been transferred from Harsinghpura (Karnal) to Bhakli (District Rewari).
2. Heard.
3. Learned counsel has highlighted the illegality committed by the respondents in not posting the applicant at any of the choice stations opted by her. Reliance is placed upon transfer policy which provides that the surplus employee (like the applicant) will be entitled to first priority for appointment on clear vacancy. He argued that despite there

being a clear vacancy at K.V.Mathana, which was one of choice stations of the applicant, she was not posted there and somebody else has been accommodated at that place. He alleges discrimination against the applicant. Learned counsel, at a later stage, submitted that since the applicant has joined the new place of posting, let a direction be given to the respondents to consider the rightful claim of the applicant in accordance with law and the transfer policy.

4. Issue notice to the respondents.

5. Mr. R.K. Sharma, Advocate, appears and accepts notice on their behalf. He does not object to the disposal of the O.A. in the above manner. He, however, prays that the respondents be granted sufficient time to consider the claim of the applicant, as raised vide representation dated 21.10.2019 (Annexure A-4), in view of the transfer policy.

6. In the wake of the consensual agreement between the parties, the O.A. is disposed of, in limine, with a direction to the Competent Authority amongst the respondents, to whom the representation is addressed, to consider and decide the indicated representation (Annexure A-4) of the applicant, in view of the transfer policy, particularly clause 7 thereof, by passing a reasoned and speaking order, within a period of four weeks from the date of receipt of a copy of this order.

7. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

**(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 13.11.2019**

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