

**Central Administrative Tribunal
Principal Bench**

**OA No.3534/2019
MA No. 3913/2019**

New Delhi, this the 9th day of December, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Smt. Usha Yadav, PGT (Bio.)
Group 'B', employee, aged about 34 years,
W/o Shri Sanjay Kumar Yadav,
R/o KV OIL, Duliajan,
District-Dibrugarh

- Applicant

(By Advocate : Mr. Dinesh Kumar Tandon)

Vs.

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18-Institutional Areas,
Shaheed Jeet Singh Marg,
New Delhi-110016
2. The Additional Commissioner (Admn.)
Kendriya Vidyalaya Sangathan,
18-Institutional Areas,
Shaheed Jeet Singh Marg,
New Delhi-110016
3. The Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Tinsukia (Assam)
Campus Kendriya Vidyalaya, OIL,
Duliajan, Distt. - Dibrugarh
4. The Assistant Commissioner (Estt.)
Kendriya Vidyalaya Sangathan,
18-Institutional Areas,
Shaheed Jeet Singh Marg,

New Delhi-110016

- Respondents

(By Advocate: Mr. S. Rajappa)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy:

The Kendriya Vidyalayas, which were formed with an objective of imparting education of a very high standard, with teachers dedicated to their service, are slowly turning out to be as good as any other Government schools. One of the reasons is that the teachers appear to be interested more in their personal comforts and career building, than concentrating on teaching. The case of the applicant is such an example.

2. The applicant was initially appointed as Primary Teacher in Kendriya Vidyalaya (KV) in January, 2011 and was posted at KV, Bina. Three years thereafter, she was selected and appointed as Trained Graduate Teacher (TGT) on 20.08.2014 and posted at KV, Amla. On her request, she was initially posted at KV, Old Cantt., Allahabad and thereafter to KV, Manauri, Allahabad. In February 2019, the applicant got promotion through the Limited Departmental Examination and she was posted at KV, OIL, Duliajan in Assam. Citing this posting as the basis, the husband of the applicant got transferred from Manauri,

Allahabad, to Duliajan in Assam. The respondents invited representations from the promoted teachers, for change of place of posting. The applicant wanted change. Through an order dated 26.06.2019, the respondents retained the applicant at Duliajan. This OA is filed, challenging the order dated 26.06.2019.

3. The applicant contends that though there is a clear vacancy at Chabua, the respondents did not transfer her to that place.

4. We heard Mr. Dinesh Kumar Tandon, learned counsel for the applicant and Mr. S. Rajappa, learned counsel for the respondents.

5. Ever since she was appointed as Primary Teacher in 2011, the applicant was posted to nearly half a dozen places. Sometimes, it was on her request. She got the promotion in February, 2019 and was posted at KV, OIL, Duliajan. The applicant did not have any qualms about it. On the other hand, her husband cited this posting and made a request for transferring him from Bamrauli to Duliajan. That was acceded to. The effort of the applicant is now to get transferred to Chabua itself which is said to be nearer to Dibrugarh.

6. As recently as in July, 2019, the respondents have informed the applicant that there is no vacancy at KV, Chabua. An effort is made to convince us that the teacher, who was posted at Chabua, did not join and accordingly, post is treated as vacant. It is not for us to take a decision in that behalf.

7. We, therefore, dispose of this OA, observing that as and when any vacancy arises in Chabua, the request of the applicant shall be considered. We decline the prayer of the applicant to direct the respondents to pass any speaking order on the representation made by her.

Pending MA, if any, shall stand disposed of.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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