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**(2019) 05 CAT CK 0107**

**In the Central Administrative Tribunal**

**Case No : Original Application No. 3385 Of 2019**

Amar Pal Panwar

APPELLANT

Vs

Kendriya Vidyala Sangthan

RESPONDENT

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**Date of Decision : 26-05-2019**

**Acts Referred:**

**Citation : (2019) 05 CAT CK 0107**

**Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)**

**Bench : Division Bench**

**Advocate : Padma Kumar S, S. Rajappa**

**Final Decision : Disposed Of**

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## **Judgement**

L. Narasimha Reddy, J

1. The applicant joined the service of Kendriya Vidyalaya (KV) as Trained Graduate Teacher (TGT) in Hindi. In February, 2019, he was promoted to the post of PGT (Hindi) and on such promotion, he was posted to KV Sulur, Tamil Nadu. The applicant, however, expressed his inability to join that place, stating to be on account of illness of his father. He became due to transfer even as TGT and was transferred to KV Muradnagar as TGT(Hindi) through an order dated 05.02.2019. On 07.06.2019, the Administration enabled promoted teachers to make representations as to the place of positing. The applicant and several others made such representations. While some were accommodated, in the case of the applicant, the request was not acceded to on account of non availability of vacancy.

2. The applicant states that he made as many as three representations subsequent to the order dated 31.08.2019 bringing it to the notice of the Administration about the availability of vacancy of PGT(Hindi) and despite that they have not considered his request. Therefore, he filed this OA, seeking appropriate directions.

3. We heard Mr. Padma Kumar S., learned counsel for the applicant and Mr. S. Rajappa, learned counsel for the respondents.

4. The applicant became due for promotion as PGT in Feb, 2019 and promptly enough the Administration promoted him. However, he was to report to duty at KV Sular, Tamil Nadu. He expressed his inability to report to that place and has chosen to remain at the existing place. He became otherwise due for transfer and was posted at KV Muradnagar. He joined the duty at that place as TGT(Hindi). The administration invited representations for the place of posting, as a sequel to promotion. While the cases of many others were considered, the request of the applicant was not acceded to by stating that vacancy is not available. The question as to whether there exists a vacancy as mentioned by the applicant in his subsequent representations needs to be verified. If such vacancy is there, there is no reason to deny him the benefit of joining there with promotion. It is not a mere case of convenience of posting but his promotion is also involved.

5. Therefore, the OA is disposed of, directing the respondent to pass appropriate orders and indicating that if there exists any vacancy as mentioned in the subsequent representations of the applicant, the feasibility of his posting as PGT (Hindi) at that place, shall be considered, within a period of four weeks from today.