

(2020) 09 CAT CK 0023

In the Central Administrative Tribunal

Case No : Original Application No. 1252 Of 2020

Preeti Arora, PRT

APPELLANT

Vs

Commisioner & Others

RESPONDENT

Date of Decision : 09-09-2020

Acts Referred:

Citation : (2020) 09 CAT CK 0023

Hon'ble Judges : L. Narasimha Reddy, J;A.K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : Dinesh Kumar Tandon, U.N. Singh

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant is working as a Primary Teacher in the Kendriya Vidyalaya Sangathan (KVS). Through an order dated 16.10.2018, she was promoted to the post of Head Mistress along with quite large number of such employees and she was posted in an Institution at Roorkee. The applicant submitted a representation with a request to change the place of posting. She pleaded that during her service, she made a complaint against an employee alleging harassment and Roorkee is the native place of that particular employee. On a consideration of the representation made by the applicant and three other Teachers, the respondents issued a Memorandum dated 14.11.2018. The place of the posting of the applicant was retained, but she was given time till 25.11.2018, for reporting to duty.

2. This OA is filed challenging the order dated 14.11.2018, in so far as, it did not consider the request of the applicant for change of place of posting.

3. We heard Shri Dinesh Kumar Tandon, learned counsel for applicant and Shri U.N. Singh, learned counsel for respondents, at the stage of admission.

4. The applicant was promoted to the post of Head Mistress way back on

16.10.2018. The request made by her for change of place of posting was not acceded to and she was given time till 25.11.2018 to report to duty vide Memorandum dated 14.11.2018. She did not join at that place, but filed OA No. 752/2020. That was dismissed on 10.08.2020. It was mentioned that if the applicant is not inclined to join at the place of posting, she has to forego the promotion. Observation was also made to the effect that the applicant did not challenge the Memorandum dated 14.11.2018.

5. Filing of another OA, challenging the order dated 14.11.2018 is totally impermissible. The principle of constructive res-judicata gets attracted. At any rate, the applicant cannot raise the issue of posting at this stage, particularly, when a clause was incorporated to the effect that the if the incumbent does not join duty within the stipulated time, he/she will forego the promotion.

6. We do not find any basis to entertain this OA, at this stage. The OA is accordingly dismissed. There shall be no order as to costs.