

(2021) 03 CAT CK 0095
In the Central Administrative Tribunal
Case No : Original Application No. 416 Of 2021

Sunena Rani

APPELLANT

Vs

Kendriya Vidyalaya Sangathan & Others

RESPONDENT

Date of Decision : 19-03-2021

Acts Referred:

Citation : (2021) 03 CAT CK 0095

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

Bench : Division Bench

Advocate : Yogesh Sharma, S. Rajappa, R. Gowrishankar

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant was appointed as Post Graduate Teacher (PGT) (Chemistry) and was posted at K.V. Dholchera, on her request. Thereafter, she made a representation for her transfer to an institution at Shimla, stating that her husband is working as Scientist B in the National Informatics Centre (NIC), Himachal Pradesh. Earlier she filed OA No. 2023/2020, with a prayer to direct the respondents to consider her case for transfer. That was disposed of on 09.12.2020, directing the respondents to consider her case. Through an order dated 04.02.2021, the respondents expressed their inability to accede to the request of the applicant. However, it was observed that her case will be considered, as and when the general transfer takes place, in accordance with the transfer guidelines. This OA is filed challenging the said order.

2. The applicant contends that the statement of the respondents that there is a general ban on transfer, is incorrect and several transfers have been made in the recent past. She further contends that there exists a clear vacancy at Shimla and there should not be any difficulty to accede to her request.

3. On behalf of the respondents, the Commissioner of Kendriya Vidyalaya

Sangathan filed an affidavit explaining the circumstances, under which, the request of the applicant could not be acceded to, at present. He has also explained the distinctive features between the case of the applicant on the one hand, and Smt. Sangeeta Mishra, on the other.

4. We heard Sh. Yogesh Sharma, learned counsel for the applicant and Sh. S. Rajappa, learned counsel for the respondents.

5. The first posting of the applicant was at Silchar and incidentally, it was on her request, because she was on her family way when she was about to join. Thereafter, she made an endeavour to get herself transferred to Shimla, where her husband is working. The respondents stated that there is a general ban on account of COVID pandemic. Though it does not appear to be a true statement of facts, the case of the applicant needs to be examined, as and when the general transfer takes place, inviting applications online. There are certain policy guidelines to be followed in this behalf.

6. We, therefore, dispose of the OA, directing that the case of the applicant shall be considered in the general transfers, as and when they take place, and the relevant guidelines shall be applied in this behalf.

There shall be no order as to costs.