

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

OP (CAT).No. 155 of 2015 (Z)

**AGAINST THE JUDGMENT IN OA 180/2015 of CENTRAL ADMINISTRATIVE
TRIBUNAL,ERNAKULAM BENCH DATED 23-09-2015**

PETITIONER(S):

**ANNEY MINY JOSE AGED 47 YEARS
W/O.CHARLY KATTAKAYAM
POST GRAUDATE TEACHER (PHYSICS)
KENDRIYA VIDYALAYA-II, CALICUT-20
RESIDING AT KAKKAYAM HOUSE, DEVAGIRI, CALICUT-673 08.**

**BY ADVS.SRI.T.C.GOVINDA SWAMY
SMT.KALA T.GOPI
SMT.T.N.SREEKALA**

RESPONDENT(S):

- 1. THE COMMISSIONER, KENDRIYA VIDYALAYA SANGATHAN
NO.18, INSTITUTIONAL AREA, SHAHEED JEET SINGH MARG
NEW DELHI-110 016.**
- 2. THE ADMINISTRATIVE OFFICER (ESTT),
KENDRIYA VIDYALAYA SANGATHAN, REGIONAL OFFICE
ERNAKULAM, KOCHI-20.**
- 3. THE DEPUTY COMMISSIONER,
KENDRIYA VIDYALAYA SANGATHAN, REGIONAL OFFICE
ERNAKULAM, KOCHI-20.**
- 4. THE PRINCIPAL-IN-CHARGE
KENDRIYA VIDYALAYA SANGATHAN, REGIONAL OFFICE
ERNAKULAM, KOCHI-20.**
- 5. SREEKANTH
POST GRADUATE TEACHER (PHYSICS), KENDRIYA VIDYALAYA
KAVARATTI, UNION TERRITORY OF LAKSHADWEEP
PIN-682 555.**

R BY SRI.K.MAYANKUTTY MATHER, SC, KENDRIYA VIDYALAYA SA

**THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 25-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

avk

OP (CAT).No. 155 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1.TRUE COPY OF THE OA NO.180/00739/2015 WITH ALL ITS ANNEXURES.

EXT.P2.TRUE COPY OF THE INTERIM ORDER DATED 23/9/2015 IN OA
NO.180/000739/2015.

EXT.P3.TRUE COPY OF THE COMMUNICATION BEARING NO.F.N.1765-
338/KVK2/2015-156 DATED 22/9/2015 ISSUED BY THE 4TH
RESPONDENT TO THE PETITIONER

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

avk

**P.N.RAVINDRAN
&
K.RAMAKRISHNAN,JJ.**

O.P.(CAT) No.155 of 2015

Dated this, the 25th day of September, 2015

JUDGMENT

P.N.RAVINDRAN,J.

The petitioner moved the Central Administrative Tribunal, Ernakulam Bench by filing an application challenging the order transferring from Kendriya Vidyalaya No.II, Calicut, to Kendriya Vidyalaya No.I (Cochin Port Trust). The petitioner's transfer was necessitated on account of the request made by the fifth respondent for a transfer in accordance with the guidelines. By the same order, the fifth respondent who was working at Kavarathi, was transferred to Kendriya Vidyalaya No.II, Calicut. The Central Administrative Tribunal disposed of the application by order passed on 23.7.2015 by directing the petitioner to file a representation against the transfer before the first respondent, namely the Commissioner, Kendriya Vidyalaya Sangathan within one week. The Central Administrative Tribunal also directed that until a decision is taken on the said representation, the order of transfer shall be kept in abeyance. The representation made by the petitioner was rejected and consequently the order of transfer was implemented and she was also relieved. It is not in dispute that the fifth

respondent had taken charge at Calicut. The petitioner moved the Central Administrative Tribunal again by filing a fresh application. An interim order of stay was declined by Ext.P2 order dated 23.9.2015. by that order, the Tribunal also directed the application to be posted on 7.12.2015. The said order is under challenge in this original petition.

2. We heard Sri.P.Govindaswamy, learned counsel appearing for the petitioner and Sri.K.I.Mayankutty Mather, learned standing counsel appearing for the official respondents. The impugned order discloses that the fifth respondent has already joined duty at Calicut and the petitioner has been relieved from Calicut. In such circumstances, we are of the opinion that an interim order staying the transfer cannot be passed. The impugned order does not in our opinion suffer from any infirmity. We therefore find no good grounds to interfere with the impugned order. Though the learned counsel appearing for the petitioner submitted that the petitioner has made up her mind to give notice of voluntary retirement and would like to retire voluntarily from service on 31.1.2016, that by itself is not in our opinion a reason for this Court to interfere with the order of transfer. It is for the petitioner to pre-forward the said para before the Central Administrative

Tribunal. The original petition fails and is accordingly dismissed with the aforesaid observations.

**Sd/-
P.N.RAVINDRAN
JUDGE**

**Sd/-
K.RAMAKRISHNAN
JUDGE**

//TRUE COPY//

PA TO JUDGE

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