

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.7793 of 2016

Date of Decision: April 28, 2016

Bandana S.Kumar

....Petitioner

versus

Kendriya Vidyalaya Sangathan and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.Anmol Verma, Advocate, for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner assails the order dated 29.03.2016 passed by the Central Administrative Tribunal, Chandigarh Bench whereby her Original Application challenging the transfer order dated 18/19.03.2016 has been dismissed.

The petitioner is a Post Graduate Teacher in Biology and is serving under the Kendriya Vidyalaya Sangathan. Her husband is also working as a Principal in the same Organization and is presently posted at Alhilal Cantt, District Palampur (Himachal Pradesh). The petitioner was posted in Kendriya Vidyalaya School No.3 at Ambala Cantt and she joined on 20.11.2006. Her two children aged about 9 years and 6 years are also studying in the same School. Unfortunately, due to the petitioner's strained relations with some members

of the teaching faculty in the “primary section” where her children are studying, led to a complaint followed by preliminary enquiry and imposition of minor penalty on her against which the departmental appeal is pending. It is thus not expedient for us to further comment on this aspect. Thereafter, vide the impugned order, the petitioner has been transferred to Kendriya Vidhalaya at Zirakpur which is a town just five kilometers away from Chandigarh and 30-35 kilometers from her previous place of posting.

In our considered view, the new place of posting is more convenient to the petitioner for various reasons and as such it calls for no judicial review by this Court, within the limited scope for it. We say so for the reasons that (i) the new place of posting is very close to Chandigarh and has better urban facilities as compared to previous place of posting; (ii) the petitioner's children would obviously shift to a better school as compared to previous one; (iii) the petitioner's husband is posted in Himachal Pradesh and his distance to the place of posting of his wife will be reduced atleast 30-35 kilometers; (iv) in a surcharged atmosphere where the petitioner and some members of the teaching faculty have lost cordiality, it is not in the petitioner's own interest to stay further.

That apart, transfer being an incidence of service, it cannot be and will not be treated as an adverse material or a punitive measure against the petitioner for future prospects.

Since the new place of posting will not be disadvantageous to the petitioner, the impugned order does not call for any interference.

The writ petition stands dismissed accordingly.

Dasti.

[SURYA KANT]
JUDGE

April 28, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE