

CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

Order Sheet

Item no.: 27
O.A./972/2022 (CHANDIGARH)
[TRANSFER]
With
M.A./1636/2023
Court No.: 1

No of Adjournment:

Order Dated: 23/09/2022

**PRITPAL KAUR
Vs
KENDRIYA VIDYALAYA SANGATHAN**

For Applicant(s) Advocate : Sh. Rohit Seth

For Respondent(s) Advocate :

Order of The Tribunal

Learned counsel for the respondents have put in appearance on receiving the advance copy of the OA.

Heard.

Issue notices to respondents.

Sh. Sanjay Goyal, learned Senior Central Government Standing Counsel accepts notice on behalf of respondent No. 1. Sh. R.K.Sharma learned counsel for respondents accepts notices on behalf of respondents No. 2 to 4.

Through this OA the applicant is challenging the transfer order dated 16.09.2022 (Annexure A-1), whereby the respondents have transferred the applicant from K.V No. 5 Bathinda Cantt to K.V. Chenani, Jammu & Kashmir. Action of the respondents has been challenged on the ground that under the banner of rationalisation, the respondents have not complied with the meaning of the term rationalisation. It has further been submitted that the transfer is to be done as per the Transfer Guidelines of KVS 2021. It has been submitted by the applicant that by issuing the impugned transfer order, the respondents have violated the various office memorandums issued by the DOPT whereby directions were issued for ensuring the various benefits to the employees. It has been further submitted by the applicant that the impugned order is also violative of Clauses 6, 7 and 9 of the Transfer Guidelines, 2021. The applicant has relied upon the judgements passed by the Hon'ble Apex Court in the matter of **Home Secretary, U.T.Chandigarh Vs. Darshjot Singh Garewal**, JT 993 (4) SC 387 and **Shyam Narayan Jain Vs. State of Rajasthan and others**, 1995 (2) SCT, Page 79 , whereby it has been held by the Apex Court that the policy guidelines are binding and have to be followed by the administration. The applicant has further relied

Ramesh Singh Thakur
Member (J)

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