

LOK SABHA DEBATES

LOK SABHA

Monday, April 16, 1990/Chaitra 26, 1912
(Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

[English]

Transfer of Teachers in Kendriya Vidyalaya Sangathan

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*451. SHRI UPENDRA NATH
VERMA:
DR. SUDHIR RAY:

Will the PRIME MINISTER be pleased to state:

(a) what are the guidelines for transfer of teachers in the Kendriya Vidyalaya Sangathan;

(b) any changes made in the last one year;

(c) whether the prescribed guidelines have been followed in the matter of transfer in all categories;

(d) if not, the cases where the departure from guidelines was made and the reasons therefore;

(e) whether Kendriya Vidyalaya Teach-

ers Association has represented against the departure in transfer guidelines; and

(f) if so, the action taken thereon?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN DEPARTMENT OF EDUCATION IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (PROF. M.G.K. MENON): (a) to (f). A statement is laid on the table of the House.

STATEMENT

The guidelines for transfer and posting of teachers in Kendriya Vidyalaya Sangathan are approved by the Board of Governors of the Sangathan. In the light of these guidelines, the Sangathan had drawn operational guidelines for the academic session 1989-90 with the approval of the then Chairman of the Sangathan (Minister of State for Education). A copy each of these transfer guidelines and operational guidelines is presented in Annexures I and II below.

The changes that were brought about in the transfer guidelines during the year 1989-90 were the following:

1. Addition of 'Compelling Administrative and Compassionate Reasons' as a ground for transfer—as against the earlier criterion of 'Administrative Reasons'.
2. The earlier medical ground for transfer was specific. This has been broadened and made general.
3. Earlier, death in the family of the teacher was mentioned as a spe-

cific ground for transfer. This specific mention has been dispensed with.

4. Earlier, transfer of unmarried girls to places of their convenience was not provided for. Now it has been provided.
5. Provision has also been made for transfer on grounds of teachers developing handicaps in the course of employment in KVS.
6. For Principals, previously there was a fixed tenure for 5 years in a station. Now this has been dispensed with.

The transfer guidelines, inter-alia, provide that normal transfers will be made after effecting transfers of promotees in the first instance. This policy had been followed during the current academic session (1.5.89 to 30.4.90) also, except in the case of transfer of Trained Graduate Teachers on promotion as Post Graduate Teachers. These transfers on promotion could not be effected on account of a writ petition filed in the Madras High Court, by Physical Education Teachers, who have prayed that they may also be made feeder category for promotion to the posts of Post Graduate Teachers as is done for Trained Graduate Teachers. In the light of legal opinion, the Kendriya Vidyalaya Sangathan has moved a petition before the Madras High Court and sought permission for promoting suitable Trained Graduate Teachers as Post Graduate Teachers. The Court has not disposed of the case. Therefore, before the promotional postings of Trained Graduate Teachers as Post Graduate Teachers were effected, the transfers of existing Post Graduate Teachers were made with the approval of the then Chairman, KVS.

The last date for effecting annual transfer of teachers as per guidelines is 31st October. This was got extended with the approval of the Chairman, Kendriya Vidyalaya Sangathan to 20.12.89.

All India Kendriya Vidyalaya Teachers Association in an open letter to the Prime Minister, have, inter-alia, mentioned the alleged violation of transfer guidelines and suggested a probe into it. This is being looked into.

ANNEXURE-I

Guidelines for Transfer of Teachers 1989-90

1. The general policy will be not to transfer teachers including Principals frequently. The normal transfers will be effected only for organisational reasons or on request or on medical grounds.
2. There will be no fixed tenure after which it may be necessary to transfer a teacher/Vice-Principal/Principal/Education Officer/Assistant Commissioner.
3. Transfer will be made after offering promotions every year.
4. Transfers will generally be effected during the summer vacations. Transfers will not be effected after 31st October.
5. Transfer will be made keeping in view the number of vacancies expected to be filled up by promotions and direct recruitment.
6. Transfers will be effected by observing the following priorities:—
 - (a) Transfers on administrative reasons.
 - (b) Transfers for reasons of serious illness requiring treatment away from the place of posting.
 - (c) Transfer of spouses for joining the family and similarly trans-

fer of unmarried girls to a place of their convenience.

7. No request for transfers will ordinarily be entertained unless a teacher has completed three academic sessions except in the cases mentioned in (6) above.
8. PRTs, TGTs and other category of teachers in the identical scales will not normally be posted outside the region in which they were selected.
9. Teachers of all categories on appointment will be posted as far as possible to schools in the interior areas.
10. Subject to availability of vacancy, PGTs/Vice-Principals/Principals/Education Officers/Assistant Commissioner on promotion or on direct recruitment will be posted to a different State than the one where they are posted, or are domiciled as the case may be and he/she will normally not be moved out of that State for atleast 5 years unless there are compelling reasons.
11. PGTs/Vice-Principals/Principals/Education Officers/Assistant Commissioners who have 3 years or less to retire would not be posted out on promotion/direct recruitment if already working in home State, subject to availability of vacancies.
12. Teachers/Vice-Principals/Principals posted to hard stations as identified by the Department of Personnel would be given station of their choice subject to availability of vacancies after completion of 3 years stay at the hard station. This would be, however, not applicable to teachers specifically recruited for North-Eastern Region.
13. Not transfer TA will be paid for request transfers on whatever

grounds unless the teacher has completed five years in his existing place of posting.

ANNEXURE-II

Operational details of transfer-guidelines of Teaching Staff for 1989-90

The operational details of Transfer-guidelines of teaching staff of KVS for 1989-90, as discussed in a meeting with PS to MOS and Commissioner, KVS on 15.5.89 are listed below:—

Board of Governors of KVS in its 52nd meeting held on 27.12.88 approved guidelines for transfer and posting of teachers, Vice-Principals and Principals. Under these guidelines transfers are broadly categorised under two heads:—

- A. Transfer in public interest
- B. Transfer on request
- A. *Transfer in public interest.*

Under the category, following types of transfers are contemplated.

- i) Transfer on compelling administrative and compassionate reasons.
- ii) Transfer of Post Graduate Teachers, Vice-Principals and Principals who have completed three years in North-Eastern Region (comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram). This is in accordance with the Government of India Policy. (This, however, excludes PGTs, TGTs and PRTs recruited especially in 1984 for North-East Region).
- iii) Transfer of teachers/Vice-Principals/Principals who have completed three years at a hard station. Three years to be reckoned from the date of joining the hard sta-

tions. (Hard stations as identified by the earlier KVS Committee, as the Department of Personnel does not maintain such a list).

B. Transfer on Request:

The guidelines approved by the BOG provide the following:

- a) Transfer for reasons of serious illness requiring treatment away from the place of posting.
- b) Transfer of spouses for joining the family and similarly transfer of unmarried girls to a place of their convenience.

In order to implement the above, the following hierarchy of priorities and details are suggested:—

- i) Transfer on serious illness requiring treatment away from the place of posting. Under this head, we may give consideration to cardiac problems, paralysis, renal failure, cancer, TB, etc. and may include cases of physically handicapped requiring medical treatment/attention. However, only these cases of physical handicap may be considered where the handicap has developed after joining KVS. The list is illustrative only and not exhaustive. The medical certificates in support of serious illness should be from CMO/Civil Surgeon of Distt. hospitals or from Medical Superintendents of Government hospitals or Head of Hospital attached to medical colleges/institutions or from CMO of project hospitals for project schools/officer incharge of Defence Sector hospitals for Defence Sector schools. While transferring, the point to be considered would be facilities for treatment not available at the existing station and their availability at the station where transfer is requested. No minimum

stay at a particular station may be required for considering such requests.

ii) Transfer on spouse basis:

Under the aforesaid category following hierarchy is suggested:

- a) Spouse of a KVS employee. This is suggested as it will ensure smooth functioning of the Vidyalayas.
- b) Spouse of a Central Government/Defence department employee and the employee of the Autonomous bodies and the undertaking of the Central Government and spouses of State Governments and undertakings of State Governments, the length of stay at the existing station being the determining factor.
- c) All other spouses.
- iii) Transfer of unmarried girls to a place of convenience. Minimum stay of one year at the existing station may be required for consideration of transfer. (i.e. for spouse cases/cases of unmarried girls)
- iv) Transfer of Principals/Vice-Principals/PGTs who have less than 3 years to retire. No minimum stay at a particular station is required. This is suggested because guidelines provide posting a promotee to the same place if promoted within three years of retirement.

The other important part of the guidelines is the sequence to be followed in affecting postings and transfers. In this connection para 3 of the guidelines lays down that "Transfers will be made after offering promotions every year".

From the above, the following sequence of promotional postings, transfers and posting of directly recruited teachers, Vice-Principals and Principals follows:—

1. Promotional postings in respect of teachers promoted as TGTs, HMs, PGTs and Vice-Principals may be done first. Similarly the vacancies of Principals are to be filled first by offering the posts of Principals to the promoted Vice-Principals.
2. i) Inter-regional transfers of teachers of all categories, Vice-Principals and Principals.
ii) Inter-regional transfer of teachers of all categories.
3. Posting of directly recruited teachers and Principals.

May kindly see the above operational details of transfer-guidelines for formal approval, so that steps are taken to implement the same accordingly.

A separate note regarding time-schedule of direct recruitment/promotion of posting of teaching staff, determination of staff strength, as discussed with PS to MOS and Commissioner, KVS on 15.5.89 is being put up.

Sd/-
(D.R. NANGIA)
16.5.89

May kindly see for any further directions from MOS.

Sd/-
(L.R. MAL)
16.5.89

MOS

The proposals from NSP-1 to 3 are approved subject to the following observations:—

- i) The words "including death of spouse" occurring in A (i) at NSP-1 may be deleted.

- ii) In B (i) at NSP-2, a sentence may be added to the effect that only those cases of physically handicapped will be considered wherein the physical handicap has developed after the employee has joined KVS. Accordingly, any handicap which existed before a person joins KVS should not be made a ground for seeking transfer. In the same clause the Certificate from the Head of the Hospital attached to Medical College/Research Institution should be made acceptable instead of requiring the Certificate from the Head of the College or the Research Institution.

Sd/-
(L.P. SHAHI)

KVS/Com. KVS

Sd/-
(Y.N. CHATURVEDI)
30.5.89

[Translation]

SHRI UPENDRA NATH VERMA: Mr. Speaker, Sir, is it a fact that 181 teachers have been transferred in October-November 1989 on humanitarian ground and Rs. four crores have been illegally taken from them? (*Interruptions*)

[English]

PROF. M.G.K. MENON: It is not correct, Sir. The only transfers that I am aware of, which have been affected, are those which relate to cases where the individual teachers have been suffering from extremely serious illnesses which are regarded as of a terminal nature such as cancer and so on.

[Translation]

SHRI UPENDRA NATH VERMA: What

is the definition of humanitarian ground? Such a large scale transfer of teachers on humanitarian ground have never been done in the history of the Education Department.

[*English*]

PROF. M.G.K. MENON: Sir, a large number of transfers are indeed effected, but that was last year. The hon. Member has specifically asked with reference to what has happened during the last one month or indeed in the last few months and those are the ones that I have referred to. Mainly no such transfers have taken place in the last few months. All transfers referred to by the hon. Member were those which were done previously by the previous Government, by the previous Minister in the last current year.

[*Translation*]

SHRI UPENDRA NATH VERMA: Mr. Speaker, Sir....

MR. SPEAKER: Mr. Verma, you have already asked two supplementary questions. Now Dr. Sudhir Ray.

[*English*]

DR. SUDHIR RAY: Sir, the hon. Minister in this reply has admitted that All India Kendriya Vidyalaya Teachers Association sent a Memorandum to the Honourable Education Minister. I would like to know from him the issues raised in the letter and whether there is any probe to be made on these issues.

PROF. M.G.K. MENON: Sir, as in the statement which is laid on the Table of the House, the concluding paragraph says:

"The All India Kendriya Vidyalaya Teachers Association in an open letter to the Prime Minister have, *inter alia*, mentioned the alleged violation of transfer guidelines and suggested a probe into it. This is being looked into."

The statement clearly brings out that

there are transfer guidelines and they were followed during the academic year 1.5.89 and 30.4.90. But there is a change in the guidelines which were affected by the previous Government during the last year and a large number of transfers did take place during the current year.

PROF. K.V. THOMAS: Sir, I am pained to hear such an answer from a person like Prof. M.G.K. Menon. He said that this was done by the previous Government, by the previous Minister. Sir, it is quite different because the Ministers may come and go, they will change. But when you look at the Kendriya Vidyalaya structure and when you look into the guidelines which the hon. Minister himself has given, you will find that there is no guideline. Any guideline which can be given—there are a number of guidelines, look at any guideline, as for example, "(1) Addition of 'compelling administrative and compassionate reasons' as a ground for transfer—as against the earlier criterion of administrative reasons'." Now, it has changed. What is it? 'Compelling administrative and compassionate reasons'.

MR. SPEAKER: That is all right. Come to the question.

(*Interruptions*)

PROF. K.V. THOMAS: It is so viable, it can be changed. Now, what happens is, the entire matter of transfers of teachers has gone into the hands of Administration. (*Interruptions*) This has resulted in corruption. So, I would like to know whether he will make it specific. Sir, if specific criteria are there, there cannot be any allegation. That is what I am telling.

PROF. M.G.K. MENON: Sir, I was not making any allegation; I was only pointing out the facts. The hon. Member previously had asked a question about transfers made in the last month and I said no such transfers have been made. I said, indeed a large number of transfers were made in the last calendar year. Further, I pointed out that there were certain changes in the opera-

tional guidelines which were effected during last year.

SHRI MANDHATA SINGH: Mr. Speaker, Sir, will the hon. Minister kindly enlighten us as to whether the guidelines prescribed by the Kendriya Vidyalaya Sangathan were changed only at the instance of the then Minister or the approval of the entire governing body was also obtained? Further, I would like to know whether the Minister is aware that many cases have gone to High Courts in various States, and, if so, what action is being proposed on those cases.

PROF. M.G.K. MENON: Sir, I would like to draw the attention of the House to the fact that what the All India Kendriya Vidyalaya Teachers' Association have in the open letter to the Prime Minister stated is transfer of teachers in violation of transfer guidelines and violation of guidelines for promotional postings and also arbitrary closing of the date for annual transfers. These, essentially, were the complaints that they had. I would also like to point out that we are aware that when transfers take place, they have to be on the basis of an application in a certain form prescribed by the Kendriya Vidyalaya Sangathan. Many transfers were indeed effected which were not in such forms. Further, when transfers are ordered by the Chairman, they become request transfers. Thirdly, all cases of transfers have to be examined on merit with reference to the norms prescribed and it is these violations which the Kendriya Vidyalaya Sangathan Teachers' Association has complained about. These are essentially being gone into. Actually, the transfers which were effected on this basis were 181 compared to 742 which were according to the guidelines laid down.

SHRI NIRMAL KANTI CHATTERJEE: Mr. Speaker, Sir, what I want to know is:—

- a) how many teachers were transferred in that year or in the earlier two years?
- b) when did the open letter reach the Prime Minister's Office? and

- c) how long will the Prime Minister or the Department of Education take to lay the probe report before the House about the irregularities involved in such transfers?

PROF. M.G.K. MENON: Sir, as far as the earlier question is concerned, I would like to point out to the hon. Member that after the Chairman had approved these changes in the operational guidelines for transfers, they were put to the Board of Governors and approved. The second point is that we will have to see and furnish to the House separately—it can be treated as an assurance—about the actual number of transfers effected in previous years. The letter to the Prime Minister was received relatively recently and it is being looked into.

[*Translation*]

DR. LAXMINARAYAN PANDEYA: Mr. Speaker, Sir, through you, I would like to know whether it is correct that in spite of guidelines, transfers are made every year? According to the guidelines transfers should be made after ensuring the promotion and posting first but this process has not been followed in the past. Will the hon. Minister assure that transfers will be made after following this process in future?

[*English*]

PROF. M.G.K. MENON: Sir, the practice is that, first effect is given to transfers of promotees. Thereafter normal transfers take place and this is the guideline which exists. As far as I am concerned and the Ministry and also the Government is concerned, the guideline as laid down will be strictly followed.

[*Translation*]

SHRI SHANTILAL PURUSHOTTAM DAS PATEL: Mr. Speaker, Sir, I would like to say that during the regime of previous Government, not only transfer of as many as 181 teachers was made but a large number of students were admitted into Central

schools all over the country under discretionary quota. In Bihar alone, more than 3000 children were granted admission under this quota. It is alleged that a large sum of money amounting to Rs. 3-4 crores was made out of it. In this regard I had written to the Government also. Today Education Department has become 'mini Bofors'. I would like to know from the hon. Minister whether high level probe will be ordered in it and action will be taken against the responsible persons?

[English]

PROF. M.G.K. MENON: The hon. Member is correct about the number of transfers of 181 teachers which were ordered under the specific directions of the then Chairman of the Kendriya Vidya Sangathan. With regard to the question of what else was involved in it, I cannot give any reply as it stands. (Interruptions)

[Translation]

MR. SPEAKER: I have not called you, please sit down.
(Interruptions)

[English]

PROF. M.G.K. MENON: I can only point out to the House that the only way in which one can ensure that none of these anomalies take place which can lead to suspicion, which can indeed lead to a sort of situation the hon. Member has talked about, is to have explicitly guidelines for this purpose, whether they are for admissions or whether they are for transfers and to have guidelines which are followed strictly without any departures and that is what I intend to follow. With regard to past events, I can certainly assure the House that I will have these looked into. (Interruptions)

Scrutiny of Administrative Files

*452. PROF. VIJAY KUMAR MALHOTRA: Will the PRIME MINISTER be pleased to state:

(a) whether there is any proposal to institute scrutiny of administrative/establishment files in the Government offices to check if the decisions are taken as per the existing rules and regulations/Government instructions/orders and there is no violation of these and no Government servant has been victimised or favoured by the administrative authorities;

(b) if so, the details of steps being taken in this regard;

(c) whether such a scrutiny will help bring out cases of corruption/favouritism/nepotism in administration; and

(d) the fields in which such scrutiny has been or is being instituted?

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): (a) No, Sir.

(b) to (d). Does not arise.

[Translation]

SHRI VIJAY KUMAR MALHOTRA: Mr. Speaker, Sir, my question was that so many irregularities are committed in Government offices, rules are violated and transfers and appointments are made on the basis of political and administrative pulls and pressures. Illegal gratification is taken. Some employees are harassed whereas some are favoured and benefited. With whom such complaints should be made? Hundreds of such complaints are received by each and every M.P. who forwards them to the Minister concerned for taking necessary action on them. But no action is taken by the Ministers. My question was, can't the Government set up an agency or consider to constitute an agency to whom such complaints can be sent for investigation so that adherence of rules and regulations and guidelines could be ensured? Some persons have been working at a particular station for the last 20 years whereas some are transferred within three months of their posting. Lakhs of rupees are taken as bribe for this purpose. To check all these things, will you institute scrutiny of