

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH AT BANGALORE**

ORIGINAL APPLICATION NO.170/00933/2019

DATED THIS THE 3RD DAY OF DECEMBER, 2019

**HON'BLE DR K B SURESH....MEMBER (J)
HON'BLE SHRI C V SANKARMEMBER (A)**

Naveen Kumar S
S/o Narsimlu S
Aged 37 years,
Asst Master (Computer Science)
Rashtriya Military School, Bengaluru
Opp Johnson Market, Richmond Town
PO. Museum Road, Hosur Road,
Bengaluru 560 025

...Applicant

(By Advocate Shri.N G Phadke)

Vs.

1. The Union of India,
By its Secretary,
Ministry of Defence,
South Block, New Delhi 110 001

2. Director General of Military Trg (MT-7)
Integrated HQ of MoD (Army)
General Staff Branch (Gol)
New Delhi 110 011

3. The Principal,
Rashtriya Military School,
Opp Johnson Market, Richmond Town
PO. Museum Road, Hosur Road,
Bengaluru 560 025

...Respondents

(By Advocate Shri.S.Sugumaran, ACGSC)

ORDER (ORAL)**HON'BLE DR K B SURESH, MEMBER (J)**

Heard. We had passed an Interim order on 23.08.2019 which we quote:

"Heard the learned counsel for the applicant. Apparently the applicant's son met with an accident and the case is going on. He is one of the witnesses. His daughter is studying. Apparently his father is unwell and under treatment from CGHS. While So, the applicant is transferred to RMS Dholpur, where this medical facilities are not available.

Issue Notice to the respondents by dasti. Applicant to take out notice and have it served on the respondents within 7 days next and produce appropriate evidence for having done so.

Respondents to file a short reply on the question of interim relief prayed for by the applicant. They need to answer, the issue raised by the applicant, that the number of teachers are not available at Bangalore and if the applicant is removed from here, serious consequences will result.

It is submitted at the bar that Shri.S.Sugumaran, learned Senior Standing Counsel is appearing in similar matters, therefore, we will direct him to take notice on behalf of the respondents, but at the same time additional notice to be served on all the respondents as well. Let them file a short reply within 2 weeks and they can also file a detailed reply with the next 4 weeks and in that case applicant can file a rejoinder within the next 2 weeks thereafter.

Applicant to continue at Bangalore for the time being until further order. Post on 05.09.2019."

2. Apparently because of the personal situation, case of the applicant is that he may be allowed to stay here itself for one more year. We had the discussion with, Shri.Sugumaran, learned counsel for the respondents. Therefore, we feel that the quietus can be achieved to the issue and justice secured, if we direct the respondents that the applicant be allowed to continue at the same place for one more year against the impugned order. After that he may be transferred elsewhere, as the case may be. We will

also reserve the right of the applicant to file a representation before the concerned authority one month before the date falls due, explaining the current position as on that date. OA is disposed of as directed. No order as to costs.

(C V SANKAR)
MEMBER (A)

(DR K B SURESH)
MEMBER (J)

/rsh/

Annexures referred to by the applicant in OA No. 933/2019

- Annexure-A1: Copy of the impugned order of transfer dated 24.06.2019
- Annexure-A2: Copy of the representation dated 07.07.2019
- Annexure-A3: Copy of the recommendation dated 08.07.2019
- Annexure-A4: Copy of the transfer policy dated 27.03.2019
- Annexure-A5: Copy of the movement order dated 7.05.2019
- Annexure-A6: Copy of the movement order by the OTA Kamptee
- Annexure-A7: Copy of the applicant's father's medical records
- Annexure-A8: Copy of the applicant's daughter's school fee receipt
- Annexure-A9: Copy of the school certificate dated 21.08.2019
- Annexure-A10: Copy of the advertisement published on 14.08.2019