

.1.

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO. 180/00566 of 2019

Tuesday, this the 7th day of January, 2020

CORAM

Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member

Hon'ble Mr.Ashish Kalia, Judicial Member

Rajesh V.K

TGT English

Jawahar Navodaya Vidyalaya

Kasaragod – 671 316

Residing at Jawahar Navodaya Vidyalaya Quarters

Kasaragod – 671 316, Mob No.8590448101

... Applicant

(By Advocate Mr.Vishnu S Chempazhanthiyil)

Versus

1. The Deputy Commissioner (Pers)

Navodaya Vidyalaya Samiti (Hyderabad Region)

Ministry of Human Resource & Development

1-1-10/3, Sardar Patel Road, Secunderabad – 500 003

2. The Commissioner

Navodaya Vidyalaya Samiti

Department of School Education & Literacy

Government of India, B 15, Institutional Area, Sector 62

Noida, Gautam Budh Nagar Dist

Uttar Pradesh – 201 309

..... Respondents

(By Advocate, Mr.Millu Dandapani)

This application having been heard on 7th January, 2020, the Tribunal
on the same day delivered the following :

.2.

ORDER (ORAL)

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

Heard both sides. Learned counsel representing the Navodaya Vidyalaya Samiti admitted that none has been posted in the place of applicant in Kasaragod and the respondents are agreeable to allow the applicant to continue at Kasaragod. However, it is reiterated that he is not entitled to transfer on spouse protection in view of the fact that the applicant's spouse is only working in an aided institution and is not eligible for concession. Hence, it is maintained by the Navodaya Vidyalaya Samiti that the applicant must necessarily participate in the Annual Transfer Drive of 2020 and on this condition the applicant may be allowed to continue at Kasaragod.

2. Under the circumstances, we direct that the applicant may be allowed to continue at Kasaragod and he shall participate in the Annual Transfer Drive of 2020 and await further orders from the respondents thereafter. The Original Application stands disposed of. No costs.

**(ASHISH KALIA)
JUDICIAL MEMBER**

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

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List of Annexures

Annexure A1 - True copy of notification No.F.2-1/2019 (ATD)-NVS (Estt.II)/806 dated 30.5.2019 issued by the 2nd respondent

Annexure A2 - True copy of Notice No.F.2-1/2019 (ATD) NVS (Estt.II)/84 dated 7.5.2019 issued by the 2nd respondent

Annexure A3 - True copy of certificate No.1/2018-19 dated 19.5.2019 issued by the Kadambur Higher Secondary School, Kannur

Annexure A4 - True copy of certificate No.1/2019-20 dated 7.1.2019 issued by the Kadambur Higher Secondary Schook, Kannur

Annexure A5 - True copy of representation dated 18.6.2019 to the 2nd respondent

Annexure A6 - True copy of letter F.No.4-12/JNVK/2019-20 dated 18.6.2019 issued by the Principal, JNV Kasaragode

Annexure A7 - True copy of medical certificate issued by the Pariyaram Medical College Hospital, Kannur

Annexure A7(a) - True copy of Medical Records issued by the Baby Memorial Hospital, Kozhikode

Annexure A8 - True copy of the Annual Transfer Drive 2019 published by the 2nd respondent in the web site of NVS on 23.7.2019.

Annexure A9 - True copy of the representation dated 25.7.2019 to the 2nd respondent

Annexure A10 - True copy of O.M No.F.No.28034/9/2009-Estt(A) dated 30.9.2009 issued by the Government of India, Department of Personnel and Training

Annexure A11 - True copy of Final Transfer List in respect of TGT English

Annexure A 12 - True copy of representation dated 16.12.2019 submitted by the applicant to the Commissioner, NVS
