

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 040/00142/2017

Date of Order: This, the 18th day of February 2020

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Sri Banajit Deka
 S/o Late Bhairab Deka
 Catering Assistant, J.N.V. Udalguri
 P.O. – Bandarguri, District – Udalguri
 BTAD, Assam, Pin – 784509.

...Applicant

By Advocates: Sri G. Baishya & Sri A. Hassan

-Versus-

1. The Union of India
 Through the Secretary
 Government of India
 Ministry of Human Resource Development
 Department of Education, New Delhi –
 110001.
2. The Commissioner
 Navodaya Vidyalaya Samity
 B-15, Institutional Area, Sector-62
 Noida, District – Gautam Budh Nagar
 Uttar Pradesh – 201309.
3. The Asst. Commissioner (Estt.I)
 Navodaya Vidyalaya Samity
 B-15, Institutional Area, Sector-62
 Noida, District – Gautam Budh Nagar
 Uttar Pradesh – 201309.

4. The Deputy Commissioner
Navodaya Vidyalaya Samity
Regional Office, Temple Road
Barik Point, Lachumiere
Shillong-793001.
5. Sri Dipankar Patgiri
Catering Assistant
Jawahar Navodaya Vidyalaya
Mahadev IV, District – Lohit
Arunachal Pradesh, Pin – 792105.

...Respondents.

By Advocate: Smt. R.S. Choudhury, JNV Advocate



ORDER (ORAL)

MANJULA DAS, MEMBER (J)

By this O.A., applicant makes a prayer for setting aside the impugned transfer order dated 15.05.2017 issued by the respondent authority by which the applicant was sought to be transferred from Udalguri (Assam) to Lohit (Arunachal Pradesh). The applicant also prays for a direction upon the respondent authorities to comply with the proposed transfer list and to accommodate him in JNV, Kamrup, Assam.

2. Heard Sri G. Baishya, learned counsel for the applicant and Smt. R.S. Choudhury, learned counsel for the respondents. Perused the pleadings and documents placed before us.

3. During the course of hearing, learned counsel for the respondents, Smt. R.S. Choudhury, argued that the applicant has already enjoyed 03 years at Udalguri (Assam) by virtue of the interim order passed by this Tribunal against the impugned transfer order dated 15.05.2017. Smt. Choudhury has produced a letter dated 18.03.2019 which was written by one incumbent namely Bipul Ahmed, Catering Assistant, JNV Baksa (Assam) to the Deputy Commissioner, NVS Shillong Region wherein he has written as follows:-



"I am Bipul Ahmed, Catering Assistant, at present posted at JNV Baksa, Assam and the said posting will be counted towards deemed vacancy in 2020 and I will be transferred from here.

Sir, my mother is having several heart illness. It's almost necessary to care my mother often depart my father as a son.

Sir, I have learnt that the post of catering assistant of JNV Udalguri will be vacant and kindly to transfer me to JNV Udalguri, Assam so that I am able to care of my mother time to time. Moreover, the medical facility of the heart patient is also available in Guwahati which is needs of my mother."

4. On the other hand, Sri G. Baishya, learned counsel appearing on behalf of the applicant submits that Transfer Drive was to be started in the next year i.e. in the Month of January, 2020. However, in the light of the aforesaid letter, Sri Baishya informs that he will like to

submit a comprehensive representation which may be considered by the appropriate authority.

5. Learned counsel for the respondents further submits that there is no impediment for making representation before the respondent authority which will be duly considered if so filed.



6. Learned counsel for the applicant further submits that the very purpose of the applicant to be transferred at his wife's place is to lead a normal and peaceful married life. Although applicant has already completed for long years at Udalguri, Assam even by virtue of the interim order of this Tribunal, however, his purpose is not yet fulfilled because of non-consideration at the same place on spouse ground where learned counsel for the respondents submits that organisation of the applicant's wife is not NVS but other organisation i.e. the State Govt., Assam.

7. In view of the above, by accepting the prayer made by the learned counsel for the applicant, we direct the applicant to make a comprehensive representation ventilating his grievances before the appropriate authority within a period of 15 days from

the date of receipt of a copy of this order. On receipt of such comprehensive representation, the competent authority shall dispose of it and pass a reasoned and speaking order within a period of one month thereafter.

8. The aforesaid direction is given only because it is a matter of transfer from Udalguri, Assam to Lohit, Arunachal Pradesh wherein the interim order was passed by staying the impugned transfer order dated 15.05.2017.



9. Accordingly, O.A. stands disposed of.

10. Interim order dated 01.06.2017 passed by this Tribunal stands vacated. However, till disposal of the comprehensive representation, the effect of the interim order shall be continued.

11. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)