

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 040/00107/2020

Date of Order: This, the 29<sup>th</sup> day of May 2020

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

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



Sri Muyeenur Rashid  
S/o Sri Safiqul Rahman  
UDC, J.N.V., Harinagar, Karimganj  
District – Karimganj, Assam  
Pin – 788710.

...Applicant

By Advocates: Sri G. Baishya, Sri A. Hassan, Sri K. Dutta &  
Smt. B. Bora

-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 Deputy Commissioner  
Navodaya Vidyalaya Samity  
Regional Office, Temple Road  
Barik Point, Lachumiere  
Shillong – 793001.
4. The Principal  
JNV, Harinagar, Karimganj  
District – Karimganj, Assam  
Pin – 788734.

5. Sri Debashish Chakrabarty  
Upper Division Clerk  
JNV, Champhai, Mizoram  
District – 796321.

...Respondents

### **ORDER (ORAL)**

#### **MANJULA DAS, MEMBER (J):-**



Being aggrieved with the impugned transfer orders dated 31.07.2019 and 14.05.2020, the applicant by preferring the instant O.A. under Section 19 of the Administrative Tribunal Act, 1985, approached this Tribunal with the following reliefs:-

- "8.1 That the Hon'ble Tribunal may be pleased to set aside and quash the impugned transfer order dated 14.05.2020 and the order dated 31.07.2019 issued by the respondent authority.
- 8.2 That the Hon'ble Tribunal may be pleased to direct the respondent authorities to comply with the proposed transfer list and to accommodate the applicant in JNV, Karimganj, Assam.
- 8.3 Cost of the application.
- 8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper. "

2. Heard Sri G. Baishya, learned counsel for the applicant. Perused the pleadings and all the documents enclosed in the OA.

3. Sri G. Baishya, learned counsel appearing on behalf of the applicant submitted that since joining, the applicant as Junior Division Clerk in the year 2006, he has been working in JNV, Karimganj. In pursuance of an advertisement for written test of Junior Division Clerk for promotion to Upper Division Clerk, he appeared in the written test and came out successful. Thereafter, vide order dated 17.06.2019, he was promoted to Upper Division Clerk and posted at JNV, Tawang, Arunachal Pradesh. Applicant represented against the said transfer order dated 17.06.2019 and the respondent authorities vide its order dated 31.07.2019, partially modified the earlier transfer order dated 17.06.2019 by posting him at South West Garo Hills, Meghalaya. Against the said transfer order dated 31.07.2019, applicant submitted his representation before the respondent authority on 03.08.2019 and the same was forwarded by the Principal of the Institution i.e. JNV, Karimganj. According to Sri Baishya, on receiving of the representation of the applicant dated 03.08.2019, the respondent authorities accommodated the applicant in JNV, Karimganj, till today.



4. Sri Baishya fairly submitted that applicant's wife is presently working as Assistant Teacher at Uttar Jagannathpur LP School, Karimganj. They have blessed with a newborn baby who is only 09 months old. His aged father who is 75 years old has been suffering from various age related ailments. As the applicant lost his son in the year 2017, the applicant and his wife have to be more careful about their daughter. According to Sri Baishya, if the applicant is posted outside of Karimganj, he has to suffer irreparable loss and injury.



5. The respondent authorities vide notice dated 22.05.2020 has informed all the concerned who were transferred to receive the relieving order through e-mail and they required to assume the charge by e-mail.

6. Sri Baishya has drawn our attention on the paragraph 4.9 of the O.A. and submitted that vide order dated 14.05.2020, one incumbent namely Sri Debashish Chakrabarty, respondent No. 5 has been transferred to Karimganj from JNV, Champhai, Mizoram who was neither mentioned in the Annual Transfer List of 2019.

7. However, Sri Baishya submitted in the Court that only for the limited period that is after COVID-19

pandemic period is over, applicant will proceed to the new place of posting at JNV, South Garo Hills, Meghalaya.

8. By accepting the aforesaid submission made by the learned counsel for the applicant, without going in to the merit of the case as well as without issuing notice upon the respondents, we hereby direct the respondents to allow the applicant to retain at JNV, Karimganj as Upper Division Clerk and he will proceed to the promotional post/posting place after three months from today.



9. With the above directions, O.A. stands disposed of accordingly at the admission stage. There shall be no order as to costs.

**(NEKKHOMANG NEIHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**

**PB**