

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**

Original Application No. 042/00097/2020

Date of Order: This, the 20<sup>h</sup> day of March 2020

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

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



I. Bhanumati Devi (58 years)  
W/o M. Manglemba  
Presently residing at JNV  
Imphal West Manipur.

**...Applicant**

By Advocates: Sri M.G. Singh and Ms. U. Das

-Versus-

1. The Union of India  
Represented by its Secretary  
Human Resource Development  
Department of School Education  
& Literacy Shastri Bhawan  
New Delhi – 110048.
2. The Commissioner  
Navodaya Vidyalaya Samiti  
Department of School Education  
& Literacy, Govt. of India  
B-15, Institutional Area, Sector 62  
Noida, District – Gautam Buddha Nagar  
Uttar Pradesh – 201309.
3. The Deputy Commissioner  
Navodaya Vidyalaya Samiti  
Regional Office, Temple Road  
Barik Point, Lachumiere  
Shillong – 793001.

4. The Principal  
Jawahar Navodaya Vidyalaya  
Imphal West, Manipur, Pin – 795113.
5. N. Sanahanbi Devi  
Staff Nurse, Jawahar Navodaya Vidyalaya  
West Kameng, Arunachal Pradesh  
Pin – 790001.

**...Respondents.**

### **ORDER (ORAL)**



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

This O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following main reliefs:-

- “8.(i) To set aside and quash the impugned transfer order dated 5.3.2020 and relief order dated 16.3.2020 transferring the applicant from her present place of posting to JNV, Mokokchung, in respect to staff nurse.
- (ii) To direct the respondents to consider and dispose of the representation dated 28.2.2020 filed by the applicant as per direction of the Hon'ble High Court of Manipur with a reasoned and speaking order.”

3. Sri M.G. Singh, learned counsel appearing on behalf of the applicant submits that against the impugned transfer order dated 05.03.2020 as well as relieving order dated 16.03.2020, the applicant submitted her representation dated 28.02.2020 which is

still pending before the respondent No. 3. According to the learned counsel, the applicant is going to retire in April 2022. Only two years left of her service. He therefore, suggests that at this stage, he will be satisfied if a direction is issued to the respondent No. 3 to consider applicant's pending representation dated 28.02.2020 and dispose of it expeditiously as possible by passing a reasoned and speaking order in the light of para 4(iii) (d) of Transfer Guideline dated 20.02.2020 wherein it is stated as follows:-



"All DFR (Due for Retirement) cases: Employees due for retirement within succeeding two years from cut-off date i.e. 31.07.2020 (retiring on or before 31.07.2022) will be exempted from displacement and, thus, be labeled with the status of "Protected Deemed" if they are to touch 10 years or more as on 31.07.2020. Protection under DFR cases does not require submission of any certificate from employee. Thus, Principal of the concerned JNV must ensure that cases of DFR must be marked under "Protected Deemed" if happen to be so."

4. Since the applicant is sought to be transferred at the verge of retirement, keeping in view of the above guideline, by accepting the prayer made by the applicant, without going into the merit of the case as well as without issuing notice upon the respondents, we

hereby direct the respondents particularly respondent No. 3 to dispose of the pending representation dated 28.02.2020 within a period of three months' from the date of receipt of a copy of this order.



5. It is made clear that whatever decision to be passed by the respondent No. 3 should be a reasoned and speaking and the same shall be communicated to the applicant forthwith. Till disposal of the representation and communication of the order to the applicant, she may be allowed to render her service in the present place of posting at JNV, Imphal West, Manipur, Khumbong.

6. With the above direction, O.A. stands disposed of accordingly at the admission stage. No order as to costs.

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

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

**PB**