

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.595/2016

Date of Decision: 14.02.2020.

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N. SINGH, MEMBER (J)

Sreejith Babu Nayana
 Age 52 years, working as Principal
 JNV, Sindhudurg (Maharashtra),
 R/at JNV, Quarters, Sindhudurg 416 531. ... *Applicant*
(Advocate Shri Vijay Y, proxy counsel for
Advocate Shri V.A. Nagrani)

VERSUS

1. Union of India, through
 The Commissioner, Navodaya
 Vidyalaya Samiti, B-15 Institutional
 Area, Sector – 62, Noida 201 370.
2. The Deputy Commissioner,
 Navodaya Vidyalaya Samiti
 Sheti Mahamandal Bhawan (MSFC Ltd.)
 IInd Floor, B-Wing, 270 Bhamburda,
 Senapati Bapat Road, Pune 411 016.
3. Ratnakaran
 Working as Principal at JNV Mahe,
 R/at JNV Quarters, Mahe,
 Puducherry 673 310.
4. Shri P.M. Issac,
 Working as Principal at JNV Kadagu,
 R/at JNV Quarters Kadagu,
 Karnataka 571 211. ... *Respondents*
(Advocate Shri V.S. Masurkar)

ORDER (Oral)
Per : R.N. Singh, Member (J)

The OA was listed on 12.02.2020 when
 Mr. Nagrani, learned counsel for the
 applicant, after arguing for sometime sought

adjournment to seek instructions from the applicant to the effect as to whether anything survives in the matter or not. In view of his such request, the matter was rescheduled for today as part-heard. However, when the matter is taken up today, learned proxy counsel appearing for Mr. Nagrani, learned counsel for the applicant submits that Mr. Nagrani is busy before some other Court at Nasik and he is having instructions from him only to submit that inspite of their great efforts they have not been able to have the requisite instructions from the applicant. The present OA is of the year 2016 and listed for final hearing as part-heard matter. Learned counsel for the respondents has opposed any further adjournment in the matter.

2. In such circumstances, the matter is taken up for final disposal.

3. We heard the learned proxy counsel for the Applicant and Shri V.S. Masurkar, learned counsel for the Respondents.

4. In the the present OA, the applicant has challenged the Transfer orders dated 09.05.2016 (Annex.A-1 Colly), 20.05.2016

(Annex. A-2) and order dated 06.08.2016 (Annex. A-3). The Applicant who has been working as Principal, Jawahar Navodaya Vidyalaya, Dahod (Gujarat) was initially transferred vide impugned order dated 20.05.2016 from Dahod (Gujarat) to Jawahar Navodaya Vidyalaya, Sindhudurg (Maharashtra) in public interest. In the said order, various other persons were also transferred from one place/region to another. Subsequently, vide further office order dated 20.05.2016, the applicant was posted to Jawahar Navodaya Vidyalaya, Sindhudurg (Maharashtra).

5. Aggrieved by the said impugned orders dated 09.05.2016 and 20.05.2016, the applicant approached this Tribunal vide OA No.435/2016 and the same was decided by the Ahmedabad Bench of this Tribunal vide order dated 25.05.2016 with directions to the respondents to consider the applicant's representation dated 11.05.2016 and to pass an appropriate orders, in accordance with the law, relating to his grievance of transfer from Dahod (Gujarat) to Sindhudurg (Maharashtra).

6. In compliance of directions of this Tribunal in order dated 25.05.2016, the respondents have passed a detailed and reasoned order dated 06.08.2016 wherein the respondents cancelled his earlier transfer orders dated 09.05.2016 and 20.05.2016 and he was allowed to continue at Jawahar Navodaya Vidyalaya, Dahod (Gujarat).

7. In the aforesaid background, the applicant has prayed in this OA for the following reliefs:

“8.a) This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the respondents and after examining the same quash and set aside the impugned transfer list issued on 09.05.2016/11.05.2016 and 20.05.2016 qua the applicant and the private respondents and order dated 06.08.2016 with all consequential benefits.

8.b) This Hon'ble Tribunal may be pleased to direct respondents to reconsider the transfer request of the applicant a fresh by strictly following the transfer guidelines and accommodate him in any one of his choice of posting.

8.c) Alternatively this Hon'ble Tribunal may further be pleased to quash and set aside order dated 06.08.2016 to the extent of cancelling the transfer of the applicant to Sindhudurg and further direct the respondent to allow him to retain at Sindhudurg, Maharashtra Pune Region as per initial transfer order dated 09.05.2016/11.05.2016 and 20.05.2016 with all consequential benefits.

8.d) Costs of the application be provided for.

8.e) *Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."*

8. From the aforesaid, particularly prayer at 8(c) noted above, it is evident that on one hand the applicant sought cancellation of his transfer order dated 06.08.2016 from Dahod to Sindhudurg and in the same prayer on the other hand he seeks a direction to the respondents to allow him to remain at Sindhudurg (Maharashtra) Pune. From these contradictory prayers, it is not clear what exact relief he seeks.

9. The applicant has not been able to point out anything in the impugned orders which may be detrimental to his service conditions and there is also nothing to show any *mala fide* on the part of the respondents in passing the impugned orders. In such facts and circumstances, it is evident that the transfer and subsequent cancellation orders are not against any policy decision of the respondents. Thus, the present OA filed by the applicant is nothing but utter misuse of process of law and accordingly deserves dismissal with cost.

10. In view of the above, the OA is dismissed with cost of Rs.5,000/-. The cost shall be paid by the applicant to Respondent No.2 within one month from receipt of a copy of this order. MA No.414/2019 stands closed.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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