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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.2355/2001

New Delhi, this the 10th day of September, 2001

HON'BLE MR. SHANKER RAJU, MEMBER (J)

Shri Kishan,  
S/o Shri Raghbir Singh  
R/o Qr. No.19, J.N.V.  
Mungeshpur, Delhi-39.

The applicant is working as  
Catering Assistant in Jawahar  
Navodaya Vidhyalaya, Mungeshpur,  
Delhi.

... Applicant

(By Advocate: Shri Chittranjan Hati)

V E R S U S

1. Union of India  
Through: The Secretary,  
Ministry of H.R.D., New Delhi.
2. The Director,  
Navodaya Vidhyalaya Samiti  
I.G. Indoor Stadium  
Administrative Block,  
I.P. Estate, New Delhi-2.
3. The Deputy Director  
Navodaya Vidhyalaya Samiti  
I.G. Indoor Stadium  
Administrative Block,  
I.P. Estate, New Delhi-2.
4. Principal  
Jawahar Navodaya Vidhyalaya  
Mungeshpur, Delhi.

... Respondents

O R D E R (ORAL)

Heard Shri Chittranjan Hati, learned counsel  
for the applicant.

2. The applicant being aggrieved by an order  
dated 28.8.2001 whereby he has been transferred from  
Mungeshpur (Delhi-I) to Budwa (Banswara) and assailing  
the order of transfer on the ground that as he has

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made complaints against the Principal, he has been subjected to this transfer which is neither in the public interest nor in the administrative exigencies. The applicant further stated that his wife is pregnant, he will not be in a position to join any posting anywhere except Delhi and is not in a position to vacate the Govt. accommodation at Delhi.

3. I also find from the transfer order passed on 28.8.2001 which was received by the applicant on 31.8.2001, that he has approached this Tribunal without availing the statutory remedies available in the department for the purpose. Learned counsel for the applicant states that as the matter was urgent, he has sought immediate interference of this Tribunal. I do not agree with the contention of the learned counsel for the applicant. The applicant should have filed a representation against his transfer order, inter alia, assailing on the grounds which he has taken before this Court in this OA.

4. In this view of the matter, the applicant is directed to make a representation against his transfer order to which the respondents shall pass a detailed and speaking order within a period of four months from the date of receipt of a copy of this order. Till then the applicant shall not dispense with from his official accommodation.

5. The present OA is disposed of at the admission stage itself in terms of the aforestated directions.

The applicant is also granted liberty to approach this Court again if so advised and in accordance with law, in the event order passed is adverse to him. No costs.

6. Registry is directed to sent a copy of this OA along with this order to the respondents.

S. Raju

(SHANKER RAJU)  
MEMBER(J)

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