

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Wednesday, 11th day of November Two Thousand And Twenty

PRESENT:

THE HON'BLE SHRI S.N. TERDAL, MEMBER(J)

THE HON'BLE SHRI C.V. SANKAR, MEMBER(A)

O.A.310/363/2020

Pushkaran, C.P., M/a 45 Yrs.,

S/o. K.C. Achuthan,

TGT Malayalam,

Navodaya Vidhyalaya Staff Quarters

Jawahar Navodaya Vidhyalaya,

(PO)Pandakkal, Mahe-673310

Also at

Shiji Nivas, Champad PO,

Thalassery via, Kannur District

Kerala-67069.

.....Applicant

(By Advocate: Mr. S.. Xavier Felix)

Vs

1. Navodaya Vidyalaya Samithi,
Ministry of Human Resources Development,
Deptt. Of School Education and Literacy)
Government of India
Through its Commissioner
No.B-15, Institutional Area, Sector-62,
Noida(UP)-201 309;
2. Navodaya Vidyalaya Samithi,
Ministry of Human Resources Development,
(Deptt. Of School Education and Literacy)
Government of India
Through its Deputy Commissioner (Personnel)
No.B-15, Institutional Area, Sector-62,
Noida(UP)-201 309;

3. The Deputy Commissioner,
Navodaya Vidyalaya Samithi,
Ministry of Human Resources Development,
Deptt. Of School Education and Literacy)
Government of India
Hyderabad Region)
Nalagandla Road,
Gopanpally, Rangareddy (Dist),
Telangana- Hyderabad-500 107.
4. The Principal,
Jawahar Navodaya Vidyalaya,
(PO) Pandakal,
Mahe-673310;
5. Mrs.K. Ajithakumari,
TGT Malayalam,
Jawahar Navodaya Vidhyalaya,
Lucknow Region,
Jaunpur-Uttarpradesh,
Presently at
Jawahar Navodya Vidyalaya,
(PO) Pandakal, Mahe- 673310;
6. Mrs. E.K. Valsala,
TGT Malayalam,
Jawahar Navodaya Vidhyalaya,
Bhopal Region,
Betul, Madhya Pradesh
Presently at
Jawahar Navodya Vidyalaya
(PO) Pandakal, Mahe-673310.

...Respondent

(By Advocate:Mr. Prasanna Venkatesh)

ORAL ORDER

(Pronounced by Hon'ble Mr. S.N. Terdal, Member(J))

OA has been filed by the applicant seeking the following reliefs:-

"a) to quash the impugned order of transfer issued by the 2nd respondent vide Ltr. No. 2-7/2019/RLT-NVS.HQ.Nodia/1763-67 dated 25.06.2020(Annexure A-9) whereby the applicant has been displaced from Jawahar Novodaya Vidyalaya, Mahe to Jawahar Navodaya Vidyalaya, Udham Singh Nagar, Uttarpradesh (Lucknow) to accommodate the 5th Respondent which is as malafide, illegal, arbitrary and violation of the guidelines specified under Transfer Policy (Annexure A-1) dated 04.04.2012 and Annual Transfer Drive 2019 (Annexure A-3) 07.05.2019.

b) to quash the page no.5 of the impugned final transfer list of Regional Language teachers under Annual Transfer Driver 2019 dated 20.03.2020 (Annexure A-8 Page.57) published in the employee portal website of 1st respondent <http://nvsemployeeportal.org/> whereby the 5th respondent was transferred from Jawahar Navodaya Vidyalaya at Jaunpur, Uttarpradesh (Lucknow) to accommodate the

place of the applicant at Jawahar Navodaya Vidyalaya, Mahe (Hyderabad) is malafide, illegal, improper and violation of the guidelines specified under Transfer Policy dated 004.04.2012;

c) to quash the impugned relieving order issued by the 4th respondent vide FNP.2-2/Estt/JNVM/2020-21/76 dated 07.07.2020(Annexure A-12) whereby the applicant has been relieved from Jawahar Navodaya Vidyalaya, Mahe and instructed to report before the Principal Jawahar Navodaya Vidyalaya, Udham Singh Nagar, Uttarpradesh (Lucknow) as illegal, improper, and arbitrary;

e) Direct the respondents 1-4 to allow the applicant to continue at Jawahar Navodaya Vidyalaya, Mahe till the completion of his Normal Tenure period as prescribed under clause 4 of the Transfer Policy (Annexure A-1) dated 04.04.2012;

f) Issue directions to the respondents 1 to 4 to re-transfer the 5th respondent to her previous place of posting at Jawahar Navodaya Vidyalaya at Jaunpur, Uttarpradesh, Lucknow Region as the impugned transfer of the 5th

respondent is without any administrative exigency or public interest.

g) For any such further or other relief or reliefs as this Hon'ble Tribunal may deem fit and proper in the nature and circumstances of the case and thus render justice.”

2. Learned counsel for the applicant submits that he has filed some additional documents.

3. Learned counsel appearing for the respondents submits that department is ready to consider a fresh representation to be submitted by the applicant and, accordingly, the OA may be disposed of.

4. In view of the above, without going into the merits of the case, this OA is disposed of by granting liberty to the applicant to submit a comprehensive representation to the respondents within a period of 15 days from the date of receipt of copy of the order and upon receipt of the same, the respondents are directed to dispose of the same by passing a reasoned and speaking order within a period of two months as per law. In the meanwhile, the impugned transfer order dated 25.6.2020 shall be kept in abeyance. However, the applicant is at liberty

to approach this Tribunal once again to seek remedy against the speaking order, if he is so advised.

5. With the above direction, the OA is disposed of. No costs.

(C.V. SANKAR)
MEMBER(A)

(S.N. TERDAL)
MEMBER(J)

11.11.2020

Asvs