

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00556/2019

Thursday, this the 5th day of November, 2020.

CORAM:

HON'BLE Mr. P. MADHAVAN, JUDICIAL MEMBER

HON'BLE Mr. K.V. EAPEN, ADMINISTRATIVE MEMBER

A.T. Sasi,
PGT Mathematics, Jawahar Navodaya Vidyalaya,
Lakkidi, Wayanad – 673 576.
Residing at Jawahar Navodaya Vidyalaya Quarters,
Lakkidi, Wayanad – 673 576. - Applicant

[By Advocate : Mr. Vishnu S. Chempazhanthiyil]

Versus

1. The Deputy Commissioner (Pers.),
Navodaya Vidyalaya Samiti (Hyderabad Region),
Ministry of Human Resource & Development,
1-1-10/3, Sardar Patel Road, Secunderabad – 500 003.
2. The Commissioner,
Navodaya Vidyalaya Samiti,
Department of School Education & Literacy,
Government of India, B15, Institutional Area,
Sector – 62, Noida, Gautam Budh Nagar District,
Uttar Pradesh – 201 309.
3. Gopinathan M.V.,
PGT Mathematics, Jawahar Navodaya Vidyalaya,
Sindhudurg, Pune – 416 531. - Respondents

[By Advocate : Mr. Millu Dandapani for R-1&2]

The application having been heard on 05.11.2020, the Tribunal on the same day delivered the following:

ORDER

Per: Mr. P. Madhavan, Judicial Member

Applicant filed this O.A seeking the following reliefs:-

- i) *Direct the respondents to consider retaining the applicant at JNV Wayanad itself.*
- ii) *Declare that the applicant is entitled to be retained at JNV Wayanad till the end of the academic year in February-March, 2020 and direct the respondents to extend such consideration to the applicant.*
- iii) *Call for the records leading to the issue of Annexure A-8 and A-10 and set aside Annexure A-8 and A-10 in as much as the applicant is transferred from JNV Wayanad and posted to JNV Kannur.*

iv) Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.

2. Applicant is presently working as PGT Mathematics in JNV Wayanad. He had submitted a representation in December, 2018 (Annexure A-6) requesting retention in JNV Wayanad in view of the fact that his wife is undertaking psychiatric treatment and his elder son was due to appear for 12th Standard Board Examination during the academic year 2019-20. When the Annual Transfer Drive 2019 was notified on 30.05.2019, the post of PGT Mathematics in JNV Wayanad was shown as a deemed vacancy apart from two other actual vacancies in JNV Palakkad and JNV Kannur. The applicant again represented producing medical records relating to his spouse. As no steps were taken applicant filed O.A No. 180/433/2019 and it was disposed of directing to consider the representations. Aggrieved by the inaction on the part of the respondents, applicant filed the present O.A.
3. Heard Mr. Vishnu S. Chempazhanthiyil, learned counsel for the applicant and Mr. Millu Dandapani, learned counsel appearing for respondent No. 1 and 2.
4. Learned counsel for the applicant submits that the applicant's difficulties are at present over and he is willing to join the new place of posting as per the order of transfer and the O.A may be closed. The applicant will join at the place of posting as ordered in the transfer order, if no change has taken place.
5. The Original Application is disposed of accordingly. No order as to costs.

(Dated, 5th November, 2020.)

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

Applicant's Annexures

- Annexure A-1 - True copy of notification No. F.2-1/2019(ATD)-NVS (Estt.II)/806 dated 30.05.2019 issued by the 2nd respondent.
- Annexure A-2 - True copy of representation dated 06.06.2019 to the 2nd respondent.
- Annexure A-2(a) - True copy of forwarding letter dated 07.06.2019 of the Principal, JNV Wayanad.
- Annexure A-3 - True copy of medical records of applicant's wife.
- Annexure A-4 - True copy of medical certificate as certified by the Assistant Professor, Department of Psychiatric, Government Medical College, Kozhikode.
- Annexure A-5 - True copy of record to show that the applicant's son is due to appear for 12th Standard Board Examination in the current academic year.
- Annexure A-6 - True copy of representation dated 12.12.2018 submitted by the applicant.
- Annexure A-7 - True copy of order dated 11.07.2019 in O.A No. 180/00433/2019 of the Hon'ble Tribunal.
- Annexure A-8 - True copy of the Annual Transfer Drive 2019 published by the 2nd respondent in the web site of NVS on 23.07.2019.
- Annexure A-9 - True copy of the representation dated 24.07.2019 to the 2nd respondent.
- Annexure A-10 - True copy of the final Transfer List of ATD 2019 published by the 2nd respondent in the web site of NVS on 23.08.2019.
- Annexure A-11 - True copy of order No. F.No. 7-123/2019-NVS-Estt.II/1419 dated 06.09.2019 issued by the 2nd respondent.

Annexures of Respondents

- Annexure R-1(a) - True copy of the order F.No. 7-123/2019-NVS-(Estt.II)/1419 dated 06.09.2019.
