

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 042/00134/2020

Date of Order: This, the 26th Day of June, 2020

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEIHSIAL, ADMINISTRATIVE MEMBER



Thangjam Nabaratna Singh
(37 Years)
S/o (L) Th. Nareshchandra Singh
A residence of Uriopok Huidrom Leikai
P.O. & P.S. – Imphal, Imphal West District
Manipur – 795001.

... Applicant

- Versus -

1. 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.
2. The Deputy Commissioner
Navodaya Vidyalaya Samiti
Regional Office, Temple Road
Barik Point, Lachumiere
Shillong – 793001.
3. The Principal, Jawahar Navodaya Vidyalaya
Imphal West, Manipur, Pin No. 799004.
4. The Principal
Jawahar Navodaya Vidyalaya

Imphal West, Manipur, Pin No. 795113.

5. The Principal
Jawahar Navodaya Vidalaya
Phek, Nagaland, Pin No. 797107.

Respondents

For the Applicants: Sri M. G.Singh & Ms U Das

For the Respondents: None

O R D E R (ORAL)



MANJULA DAS, MEMBER (J):

The matter has been taken up through video conferencing.

2. By this OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicants are seeking following relief(s):-

“8.i To set aside and quash the impugned Transfer order dated 14/05/2020 issued by the respondent authority in respect of the applicant for transferring him from present place of posting i.e. JNV, Phek, Nagaland, Nagaland to JNV, Sepahijala, Tripura.

(ii) Or in the alternative, to pass an order to modify the transfer order dated 14/05/2020 from JNV, Sepahijala, Tripura to JNV, Imphal West.

(iii) Pass any such further order/orders as your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Ms.U.Das, learned counsel for the applicant submitted that applicant is working as LDC/Store Keeper in the JNV, Phek, Nagaland. His wife is working as LD in JNV, Imphal West, Manipur. According to the learned counsel, for the last five years both the applicant and his wife are living separately and they have two school going children studying class IV and I respectively.



4. Learned counsel one Sri Narendra Kumar, LDC/Store Keeper who was posted at JNV, Imphal West had resigned from his post and his resignation was accepted by order dated 04.06.2020. Accordingly, wife of the applicant submitted a representation dated 11.03.2020 with a request to adjust the applicant at JNV, Imphal where she is working, however, vide impugned order applicant has been transferred from JNV, Phek, Nagaland to Sepahijala, Tripura. Applicant has submitted a representation against such transfer on 03.06.2020 to change his posting from JNV, Sepahijala to JNV, West Imphal on spouse ground against the vacant.

Learned counsel has drawn our attention to guideline no.4(iii) of the DoPT OM dated 30.09.2009 on the subject of “Posting of husband and wife at the same station” and submitted that since the post of LDC/Store Keeper is lying vacant, applicant is entitled to be posted there on spouse ground.

5. Since the applicant's representation dated 03.06.2020 is pending for consideration, the respondents are directed to consider and dispose of the same in the light of guideline No.4(iii) of the DOPT OM dated 30.09.2009 within a period of one month from the date of receipt of this order. Till such time, applicant shall not be disturbed from his present place of posting at JNV, Phek, Nagaland.

6. The OA is disposed of as above at the admission stage itself.

(N. NEIHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICAIL MEMBER

/BB/

OA.042/00134/2020