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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO.1190/2004

This the 28th day of September. 2004.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

Dr. Malam Singh,
Working as Hindi Officer,
Navodaya Vidyalaya Samiti Head Quarters,
Indira Gandhi Stadium, I.P.Estate,
New Delhi.
R/O 4/5 Mohan Park,
West Guru Angad Nagar, Khureji Road,
Delhi-110092.

... Applicant

(By Shri Rajeev Singh, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Human Resources
Development, Department of Education,
Government of India, New Delhi.
2. The Commissioner,
Navodaya Vidyalaya Samiti,
Indira Gandhi Stadium, I.P.Estate,
New Delhi.
3. The Joint Director,
Navodaya Vidyalaya Samiti,
Indira Gandhi Stadium, I.P.Estate,
New Delhi.
4. The Deputy Director (P&E),
Navodaya Vidyalaya Samiti,
Indira Gandhi Stadium, I.P.Estate,
New Delhi.

... Respondents

(By Shri S. Rajappa, Advocate)

ORDER (ORAL)

Applicant who is working as Hindi Officer at the Navodaya
Vidyalaya Samiti (NVS) Headquarters at New Delhi, has challenged

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his transfer to JNV Pondicherry vide respondents' order dated 11.3.2004. The learned counsel of applicant has stated on his behalf that applicant is seriously ill as he is suffering from Ankylosing Spondilitis with restricted movement of spine and bilateral hip and shoulder joints. He has undergone total hip replacement and is under supervision of the surgeons who have operated him. The learned counsel has relied upon medical certificate dated 2.8.2004 (Annexure RA-2 to the rejoinder) to the effect that it is not advisable for the applicant to stay in rural and remote areas and that applicant requires post-operative care and reparative medical consultancy.

2. The learned counsel for the respondents pointed out that while applicant was operated on 4.7.2003 and 30.8.2003, he had submitted an application dated 4.3.2004 (Annexure R-1) requesting that he may be posted in District Pondicherry. As such, the applicant's transfer to Pondicherry has been on his own request after his operations relating to hip replacements.

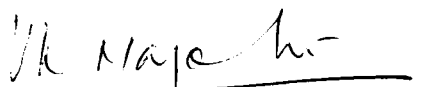
3. The learned counsel of the applicant stated that applicant's condition has deteriorated after he had submitted his consent for transfer to Pondicherry. The learned counsel stated that applicant would be satisfied if he is allowed to stay in Delhi till the second week of February, 2005, whereafter he would proceed to Pondicherry to resume his duties as per order dated 11.3.2004. The learned counsel of the respondents has accepted this request made on behalf of applicant.

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4. In view of the consent of both sides as described above, respondents are directed to keep in abeyance their orders dated 11.3.2004 till the second week of February, 2005, whereafter applicant may be relieved for assuming charge at JNV Pondicherry in implementation of respondents' order dated 11.3.2004.

5. The OA is disposed of in the above terms.


(V. K. Majotra) 28.9.04
Vice-Chairman (A)

/as/