

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 8th day of October, 2001.

Original Application No.1175 of 2001.

CORAM:-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Smt. Sunita Mishra, wife of
Parmanand Mishra, at present present
posted as Physical Education Teacher (Female)
Jawahar Navodaya Vidyalaya,
Ghazipur.

(Sri R.K. Singh, Advocate)

Versus

1. Union of India through its Secretary
Ministry of Human Resources Development,
New Delhi.
2. The Deputy Director,
Navodaya Vidyalaya Samiti,
B/10, Sector 'C' Aliganj, Lucknow.
3. The Principal,
Jawahar Navodaya Vidyalaya,
Ghazipur.
4. Smt. Puspa Srivastava,
P.E.T. (Female) under Transfer
Ballia to Ghazipur.

(Sri N.P. Singh, Advocate)

. Respondents

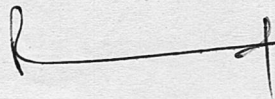


ORDER (O r a l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

I have heard Smt. Sunita Mishra, the applicant, who appeared in person. A copy of the application has been served on Sri N.P. Singh, ^{an} ~~the~~ Advocate, but none has appeared for respondents as Learned Advocates have struck work on account of call given by the Bar Association.


2. This application has been filed challenging the order dated 17-7-2001 by which the applicant has been transferred from Ghazipur to Siddharthnagar. The applicant is serving as a Physical Education Teacher at Navodaya Vidyalaya, Ghazipur. The grievance of the applicant is that her husband ~~was~~ serving as Police Sub Inspector at Kanpur Nagar. On his special request he was transferred on 22-5-2001 to Ghazipur so that he may live with his family. However, by the impugned order the applicant has been transferred to Siddharthnagar only to accommodate respondent no.4, Smt. Pushpa Srivastava, who has been transferred from Ballia to Ghazipur. It is submitted that respondent no.4 was earlier transferred to Jaunpur on her own request but she refused to go and the order of transfer was cancelled. A copy of the order has been filed as Annexure-A-4, to the application. The contention of the applicant is that as the order of transfer was passed on the request of respondent no.4, but she did not abide by the order of transfer, she became disentitled for a similar further request for a period of two years, meaning thereby that she could not be transferred on her own request before 2002. The applicant has also placed other domestic problems and has submitted that her children are



getting education at Ghazipur and if they are shifted now their academic interest shall be affected. However, it appears that all the grounds challenging the order of transfer raised in this OA have not been placed before respondent no.2 by making a detailed representation by the applicant. In the circumstances I do not find it a fit case for interference at this stage, except for giving a liberty to the applicant to make a representation before the Deputy Director, respondent no.2 with a direction to him to decide the representation of the applicant by a reasoned order within two weeks from the date a copy of this order is filed before him.

3. The OA is disposed of accordingly with the liberty to the applicant to make a detailed representation before respondent no.2, the Deputy Director, Novodaya Vidyalaya Samiti, Lucknow within a week. The representation if so filed alongwith a copy of this order, it shall be considered and decided by a reasoned order within two weeks. There shall be no order as to costs.

4. A copy of this order shall be given to the applicant within 24 hours.


Vice Chairman

Dube/