

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1480 of 2004.

Tuesday, this the 30th day of November, 2004.

Hon'ble Mr. S.C. Chaube, A.M.

Kamlesh Singh,
P.E.T.,
aged about 39 years,
S/o Shri Jagmohan Singh
R/o Jawahar Navodaya Vidyalaya,
Mahoba.

... Applicant.

(By Advocate : Shri K.K. Mishra
Shri P.C. Pathak

Versus

1. Union of India,
through the Secretary,
Ministry of Human Resources &
Development, New Delhi.
2. Director/Commissioner,
Navodaya Vidyalaya, Samiti,
Head Quarters, New Delhi.
3. Deputy Director,
Navodaya Vidyalaya Samiti,
Regional Office,
Lekhraj Panna, IIIrd Floor,
Vikas Nagar,
Sector -II,
Lucknow.
4. The Principal,
Jawahar Navodaya Vidyalaya,
Mahoba.
5. The Principal,
Jawahar Navodaya Vidyalaya,
Uttar Kashi (Uttaranchal).

.... Respondents.

.... Respondents.

(By Advocate : Shri N.P. Singh)

ORDER

By Hon'ble Mr. S.C. Chaube, A.M. :

Heard the counsel for the parties.

2. Through this OA, the applicant has impugned

.....2.

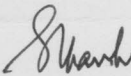
order No. F.No. KS/PET/04/NVS(LR)/Pers./25123-25129 dated 22.11.2004 passed by respondent No.3 i.e. Deputy Director Navodaya Vidyalaya Samiti, Regional Office, Vikas Nagar, Lucknow. The applicant is a Physical Education Teacher in Jawahar Navodaya Vidyalaya, Mahoba. Further the applicant has been placed under suspension and simultaneously he has been transferred from J.N.V. Mahoba to J.N.V. Dhungir, Purola, Uttarkashi in Public Interest. ⁱⁿ ~~vide~~ ^{The} ~~order~~ order dated 22.11.2004 which ^{has} ~~is~~ placed the applicant ^{has} ~~is~~ under suspension, ~~which is~~ also ~~stated~~ stated that the disciplinary proceedings against the applicant is contemplated by the department. The applicant has filed a representation before Deputy Director, Navodaya Vidyalaya Samiti, Regional Office, Vikas Nagar, Lucknow and has prayed for quashing the order dated 22.11.2004.

3. After hearing the learned counsel for the parties, ⁱⁿ it is my considered view that the ^{O.A. is} pre-mature ^{as} final decision ^{on} the out come of the ^{applicant's} representation by the Competent Authority is still awaited. Learned counsel for the respondents ^{has} ^{also} contended that the OA at this ^{moment} ^{is} ~~movement~~ pre-mature.

4. In the interest of justice, it is my considered view that a direction should be issued to the Director/Commissioner, Navodaya Vidyalaya Samiti, Head Quarters, New Delhi to decide the representation filed by the applicant within a specified time. Accordingly, the applicant shall file a representation before Director/Commissioner, Navodaya Vidyalaya Samiti, Head Quarters, New Delhi within a period of 15 days from the date of receipt of copy of this order. The respondent No.2 is directed to decide the representation of the applicant within a period of two months from the date of receipt of copy of this order in accordance with the rules.

5. The law on the aspect of judicial review is well settled. ^A ~~that~~ transfer matter ^{is} ~~which~~ exclusively falls ⁱⁿ within ~~the~~ domain of the administrative department and I do not see any convincing reason to interfere in the matter of transfer.

6. With the aforesaid discussion, the OA is disposed of . No order as to costs.


Member (A).

RKM/