

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

Original Application No. 624 of 2004.

Allahabad this the 23rd day of June 2004.

Hon'ble Mr. D.R. Tiwari, A.M.

Ashok Kumar Mogha aged about 33 years, son of late Ram Awasoop Mogha, permanent resident of Mohalla, Mongal Bazar Jansath, Post Jansath, District Muzaffarnagar, (was working on the post of Physical Education Teacher (PET for short) at Jawahar Navodaya Vidyalaya, Ghazipur but present, following the impugned transfer order, posted at J.N.V. Tissa District Tirat under N.V.S. Shillong.

.....Applicant

(By Advocate : Sri Shyamal Narain)

Versus.

1. The Union of India through the Secretary Ministry of Human Resource Development (Department of Secondary and Higher Education), New Delhi.
2. The Commissioner, Navodaya Vidyalaya Samiti, I.G.I. Stadium, Indra Prastha Estate, New Delhi-110002.
3. The Deputy Director, Navodaya Vidyalaya Samiti, Regional Office, Lucknow Region, B-10, Sector 'C' Aliganj, Lucknow-226024. (U.P)
4. Sri Adya Prasad Sharma, Principal, Jawahar Navodaya Vidyalaya, Ghazipur (U.P).

.....Respondents.

(By Advocate : Sri N.P. Singh)

O\_R\_D\_E\_R

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, the applicant has challenged the impugned order dated 17.06.2003 transferring him from J.N.V. Ghazipur to J.N.V. under the Shillong Region (North East). The applicant is Physical Education Teacher and he has been transferred against the post of Female P.E.T.

2.

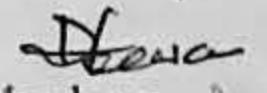


2. The main ~~thesis~~<sup>thrust</sup> of the argument of the applicant's counsel is that by that order as many as eight teachers were transferred including the applicant. The learned counsel for the applicant has stated in the O.A. in para 18 that except the applicant no other teachers have ~~been~~ actually joined <sup>at</sup> the place of their transfer. He has further stated that his wife is working in the Office of Executive Engineer Unit-10 Research and Planning (Flood) Division, Lucknow. He further states that his daughter is suffering from serious skin disease and under the treatment of B.H.U. Varanasi.

3. The learned counsel for the respondents on the other hand has opposed the contention of the applicant's counsel stating that since the applicant has joined at the place of his transfer, this Tribunal has no jurisdiction to entertain this. However, learned counsel for the applicant states that cause of action has originally arisen here and the challenge is to ~~the~~ transfer order dated 17.06.2003. It appears that this Tribunal on this ground can entertain this O.A. here. Since the applicant has already joined and it is fairly conceded by learned counsel for the applicant that he is not seeking any interim relief for this purpose. It appears that the ends of justice will be better served if the applicant makes a representation for redressal of his grievances and Competent Authority is directed to decide the representation within a stipulated period.

4. In view of the above, the respondents No.2 i.e. The Commissioner, Navodaya Vidyalaya Samiti, is directed to decide the representation with a reasoned and speaking order within a period of two months.

5. With this direction, the O.A. is disposed of finally at the admission stage itself.

  
Member-A.