

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/001373/2018

DATED THIS THE 11TH DAY OF MARCH, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

Johnny P.D.,
TGT English, JNV Bangalore Urban,
Bagalur P.O., Karnataka-562 149.
Residing at JNV Quarter No.5,
JNV Bangalore Urban,
Bagalur P.O., Karnataka-562 149. ...Applicant

(By Shri B.S. Venkatesh Kumar, Counsel for the Applicant)

1. Union of India,
Represented by its Secretary,
Ministry of Human Resources Development,
Shastri Bhavan,
New Delhi-110 001.

2. The Commissioner,
Navodaya Vidyalaya Samithi,
Department of School Education & Literacy,
Government of India, B-15 Institutional Area,
Sector 62, Noida, Budh Nagar,
Uttar Pradesh—201 309.

3. The Deputy Commissioner (Pers),
Navodaya Vidyalaya Samithi,
Hyderabad Region,
Ministry of Human Resources Development,
1-1-10/3, Sardar Patel Road,
Secunderabad-500 036. ...Respondents.

(By Shri M. Rajakumar, Counsel for the Respondents)

ORDER (ORAL)**PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

“1.Direct the respondents to consider the applicant for transfer to the vacant post of TGT English at JNV Kozhikode.

2.Call for the records leading to the issue of Annexure A-7 and set aside Annexure A-7 dated 27.7.2018 in as much as the applicant is transferred and posted to JNV Haveri.

3.Declare that the applicant is entitled to be posted to the vacant post of TGT English in JNV Kozhikode or any other stations in Kerala and direct the respondents to extent such consideration to him taking into account the fact that the applicant had served for 13 years in hard stations in North East from 29.6.1994 to 23.7.2007 and thereafter for 10 years at JNV Bangalore Urban.

4.Call for the records leading to the issue of of annexure A-8 and set aside Annexure A-8 dated 27.7.2018 to the extent the same denies the applicant's claim from being considered for the [post of TGT English in JNV Kozikode.”

2. At the very outset learned counsel for the applicant submitted that the present Original Application may be disposed of with a liberty to applicant to move a detailed and comprehensive representation before the Commissioner, Navodaya Vidyalaya Samithi, in order to claim his posting at Navodaya Vidyalaya, Kozhikode or at any other station in the State of Kerala.

3. In view of the above statement made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application without entering into the merits of the case.

5. Accordingly, the Original Application is disposed of with the observations that if the applicant moves a detailed and comprehensive representation before the respondents within a period of one month from today, the same shall be considered and decided by the Commissioner, Navodaya Vidyalaya Samithi, Noida, Uttar Pradesh, in accordance with the policy guidelines prevalent in the respondent organisation. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of two months from the date of receipt of the representation from the applicant.

6. Till such time the decision is taken over the applicant's representation, he shall not be displaced from his present place of posting.

7. Ordered accordingly.

8. There shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

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