

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00436/2021

Tuesday, this the 7th day of September, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

Gopan.B, aged 54, S/o. Balakrishnan Nair
Cook, Jawahar Navodaya Vidyalaya
Chennithala, Alappuzha – 690 105
Residing at Jawahar Navodaya Vidyalaya Quarter No.6
Chennithala, Alappuzha – 690 105 - Applicant

(By Advocate: Mr.Vishnu S Chempazhanthiyil)

Versus

1. The Deputy Commissioner
Navodaya Vidyalaya Samiti (Hyderabad Region)
Department of School Education & Literacy
Government of India, 1-1-10/3, Sardar Patel Road
Secunderabad – 500 003
2. The Commissioner
Navodaya Vidyalaya Samiti
Department of School Education & Literacy
Government of India, B15, Institutional Area
Sector 62, Noida, Budh Nagar, Uttar Pradesh-201 309
3. Shri. Hassainer.P
Cook, Jawahar Navodaya Vidyalaya
Dharwad, Karnataka – 580 007 - Respondents

(By Advocate: Mr.M.K.Padmanabhan Nair,ACGSC for R 1 & 2)

The O.A having been heard on 7th September, 2021 through video conference, this Tribunal delivered the following order on the same day:

O R D E R (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the

following reliefs:

“1. Direct the respondents to consider accommodating the applicant to the vacant post of Cook at JNV Minicoy.

2. Call for the records leading to the issue of Annexure A-4 and set aside Annexure A-4.

3. Declare that the applicant is eligible and entitled to be transferred to JNV Minicoy in the light of the existing guidelines and direct the respondents 1 & 2 to transfer the applicant and post the applicant at JNV Minicoy.

4. Direct the respondents 1 & 2 to consider and pass orders on Annexure A5 with a hearing opportunity via online mode.

5. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.

6. Award the cost of these proceedings.”

2. Brief facts of the case are as follows:

The applicant entered service on 1.7.1993 in Jawahar Navodaya Vidyalaya. He is presently working as a Cook in JNV Alappuzha. The applicant applied for consideration for the post of Cook at JNV Minicoy as it fell vacant after the Annual Transfer Drive 2020-2021. However, by a non-speaking order, it was intimated that the applicant cannot be transferred to JNV Minicoy. He now learned that the 3rd respondent has been posted to JNV Minicoy. The applicant is aggrieved by overlooking the applicant by a person with lesser service. Since steps are taken to fill up the post of Cook at JNV Minicoy, the applicant has approached this Tribunal praying for the above reliefs.

3. When the matter came up for consideration, it appears that Annexure A-5 representation of the applicant is still pending before the Competent Authority.

4. Adv.Mr.M.K.Padmanabhan Nair, ACGSC takes notice on behalf of the respondent nos.1 and 2 and submits that he has no objection in disposal of the representation.

5. In view of pendency of the representation, **the Competent Authority is directed to consider the representation of the applicant at Annexure A-5 in the light of rules, regulations and relevant guidelines and pass a speaking order within a period of three months from the date of a copy of this order.**

6. **Respondents are directed not to fill up the vacancy of Cook at JNV Minicoy till an order is passed on Annexure A-5 representation.**

7. The Original Application is disposed of as above at the admission stage itself.
No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

List of Annexures

Annexure A1 - True copy of notification No.F.No.2-1/2020(ATD)-NVS(Estt.II)/5338 dated 22.12.2020 issued by NVS.

Annexure A2- True copy of the representation dated 8.7.2021 to the 1st respondent.

Annexure A3- True copy of letter F.No.1-16/JNVA/Admn/2020-21/162 dated 8.7.2021 issued by the Principal, JNV Alappuzha.

Annexure A4- True copy of communication No.F.No.2-2/2020/ATD-NVS(Estt.II) (Cook)/9176-78 dated 27.8.2021 issued by the 1st respondent.

Annexure A5- True copy of the representation dated 2.9.2021 to the 2nd respondent.

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