

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00440/2021

Thursday, this the 9th day of September, 2021

CORAM:

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

P.G.Reshmi, aged 38, W/o.C.Maneesh
PGT Commerce, Jawahar Navodaya Vidyalaya
Thrissur – 679 105, Residing at Rakesh Nivas, Mayannur P.O,
Thrissur – 679 105 - Applicant

(By Advocate: Mr.Vishnu S Chempazhanthiyil)

Versus

1. The Commissioner
Navodaya Vidyalaya Samiti
Department of School Education & Literacy
Government of India, B 15, Institutional Area, Sector 62
Noida, Gautam Budh Nagar Dist
Uttar Pradesh – 201 309
2. The Deputy Commissioner (Pers)
Navodaya Vidyalaya Samiti (Hyderabad Region)
Ministry of Human Resource & Development
1-1-10/3, Sardar Patel Road
Secunderabad – 500 003 - Respondents

(By Advocate: Mr.M.K.Padmanabhan Nair, ACGSC)

The O.A having been heard on 9th September, 2021 through video conference, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the following reliefs:

“(a) Direct the respondents to consider accommodating the applicant at the newly created post of PGT Commerce at JNV Kollam or in the alternative;

2. Direct the respondents to consider accommodating the applicant at JNV Neriamangalam

3. Direct the respondents to extent the same benefit as granted to Shri.Suresh Kumar, PGT Commerce who has been granted a modification of transfer as at Annexure A8 and to post the applicant at JNV Kollam.

4. Declare that the action on the part of the respondents in not notifying clear vacancy of PGT Commerce at JNV Kollam for the Annual Transfer Drive 2020-2021 is illegal and arbitrary and direct the respondents to consider the applicant as against the newly created post of PGT Commerce at JNV Kollam as done at Annexure A-8.

5. Direct the respondents 1 & 2 to consider the claim raised by the applicant in Annexure A9, A9(a) and A9(b) to the post of PGT Commerce at JNV Kollam or at JNV Neriamangalam.

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

7. Award the cost of these proceedings. “.

2. The brief facts of the case are as follows:

The applicant who is a PGT Commerce was posted in JNV Panchawati in Middle Andaman & Nicobar Islands in 2013, which station has been identified as a hard station, for which prescribed tenure is 2 years. For the last 5 years, the applicant has been requested for a transfer to Kerala where her home station is at Thiruvananthapuram, where her family consisting of state government employee husband, 3 young children and two ailing parents reside. During 2020-2021, the NVS sanctioned 6 new Commerce courses in Kerala. Applicant had submitted requests to accommodate her against any of the 6 vacancies. However, during the ATD 2020-2021, the above 6 posts were not notified. Hence she applied for the

only available vacancy at JNV Thrissur. When she was sanctioned a transfer to JNV Thrissur, she found that there was no family quarter. One Mr.N.Suresh Kumar, PGT Commerce at JNV Girithi in a plain station and who was posted in the same transfer drive as the applicant to JNV Panchawati has now been sanctioned a modified transfer to JNV Malappuram which is also a newly sanctioned post. The applicant also moved for a modification of transfer, but the respondents have not taken any action on that request. Hence the applicant has approached this Tribunal praying for the above reliefs.

3. When the matter came up for consideration, Adv.Mr.M.K.Padmanabhan Nair,ACGSC takes notice on behalf of the respondents and prays for time for getting instructions and for filing reply statement. On perusing the records, we came to understand that Annexure A-9, Annexure A-9(a) and Annexure A-9(b) representations are still pending with the Competent Authority and no action has been taken so far.

4. In view of pendency of the representation, **we are of the view that the Original Application can be disposed of at the admission stage itself by directing the Competent Authority to consider Annexure A-9, Annexure A-9(a) and Annexure A-9(b) representations in the light of relevant rules and regulations and pass a reasoned and speaking order within a period of one month from the date of receipt of a copy of this order. Ordered accordingly.**

5. **The post of PGT Commerce at JNV Kollam shall not be filled up till the disposal of the representation of the applicant.**

6. The O.A is disposed of as above at the admission stage itself. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

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List of Annexures

Annexure A1 - True copy of communication F.No.2-10/2012-NVS(Estt.II)/pt.I/2507 dated 19.11.2019 issued by the NVS.

Annexure A2- True copy of representation dated 31.1.2019 to the 1st respondent

Annexure A2(a)- True copy of the representation dated 11.6.2019 to the 2nd respondent

Annexure A2(b)- True copy of the representation dated 31.7.2020 to the 2nd respondent

Annexure A2(c)- True copy of the representation dated 29.1.2021 to the 2nd respondent

Annexure A3- True copy of letter F.No.1-30/NVS(HR)/(Estt.II)/20-21 dated 2.7.2020 issued by the 2nd respondent.

Annexure A4- True copy of the communication No.F-2-1/2020(ATD)-NVS (Estt.II)/5524 dated 27.1.201 issued by NVS.

Annexure A4(a)- True copy of the communication No.F-2-1/2020/ATD -NVS (Estt.II)/7178 dated 11.6.2021 issued by NVS.

Annexure A5- True copy of application dated 1.2.2021 submitted by the applicant

Annexure A6- True copy of the final transfer list vide No.F-2-2/2020/ATD-NVS(Estt.II)/7218 dated 1.7.2021 issued by NVS.

Annexure A7- True copy of relieving order vide F.No.1-4/NVS(HR)/Estt.II/2021-22 dated 16.7.2021 issued by JNV Panchawati

Annexure A8- True copy of relieving order No.F.No.5-193/Pers./JNV (N & MA)/2021-2022/845 dated 16.8.2021 issued by JNV N&M, Andaman

Annexure A9- True copy of the representation dated 14.8.2021 to the 2nd respondent

Annexure A9(a)- True copy of the representation dated 17.8.2021 to the 2nd respondent

Annexure A9(b)- True copy of the representation dated 25.8.2021 to the 2nd respondent

Annexure A10- True copy of the Office Order No.F.No.I-30/NVS(HR)/Estt.II/2020-21/197 dated 22.4.2021 issued by NVS.

Annexure A10(a)- True copy of the Office Order No.F.No.1-30/NVS(HR)/
(Estt.II)/2020-21/197 dated 22.4.2021 issued by NVS

Annexure A11- True copy of the list of contract appointments to the post of PGT
Commerce.

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