

**Central Administrative Tribunal  
Ernakulam Bench**

O.A No.180/00245/2021

Friday, this the 08<sup>th</sup> day of October, 2021

**CORAM:**

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

Benny Varghese, Aged 51,  
S/o. V.P Varghese, Post Graduate Teacher  
(Mathematics), Jawahar Navodaya Vidyalaya,  
Vechoochira, Pathanamthitta – 686 511,  
Residing at Jawahar Navodaya Vidyalaya Quarters,  
Vechoochira, Pathanamthitta – 686 511 - **Applicant**

(By Advocate: Mr. Vishnu S Chempazhanthiyil)

## Versus

1. The Deputy Commissioner,  
Navodaya Vidyalaya Samiti (Hyderabad Region),  
Ministry of Human Resource & Development,  
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, Gautam Budh Nagar Dist,  
Uttar Pradesh – 201 309.
3. Smt. Laly. K.C., PGT Mathematics,  
JNV Chikkamagaluru, Karnataka – 577 112.
4. The Joint Commissioner (Pers),  
Navodya Vidyalaya Samiti, Department of  
School Education & Literacy, Government of  
India, B15, Institutional Area, Sector 62,  
Noida, Budh Nagar, Uttar Pradesh – 201 309

(By Advocate: Mr.M.K.Padmanabhan Nair, ACGSC for R1,2&4 & Ms. Rekha Vasudevan for R3)

The O.A having been heard on 08<sup>th</sup> October, 2021 through video conferencing, 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:

*“(1) Call for the records leading to the issue of Annexure A5 and set aside Annexure A5 in as much as the 3<sup>rd</sup> respondent is posted to JNV Alappuzha and the applicant's claim for transfer to JNV Alappuzha is overlooked.*

*2) Direct the respondents 1 & 2 to consider accommodating the applicant on transfer to JNV Alappuzha or any of the choice stations indicated by him in his application at Annexure A2.*

*3) Direct the respondents 1 & 2 to consider the applicant against the deemed protected vacancy at JNV Dakshina Kannada or JNV Malappuram in the light of the judgment as at Annexure A7.*

*4) Direct the respondents 1 & 2 to consider Annexure A6 representation of the applicant before implementation of Annexure A5 transfer list.*

*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.*

*7) Call for the records leading to the issue of Annexure A9 to the extent 3<sup>rd</sup> respondent is posted to JNV Alappuzha and the applicant's claim for transfer to JNV Alappuzha is overlooked and set aside Annexure A8.”*

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

The applicant is presently working as PGT Mathematics in JNV Pathanamthitta. He has completed 10 years in the station and is therefore treated as

on “deemed vacancy” and due to be shifted out from JNV Pathanamthitta. For Annual Transfer Drive 2020-21, the applicant had applied for transfer indicating JNV Alappuzha as his first choice station. However, ignoring the applicant's better claim, the 3<sup>rd</sup> respondent was granted a transfer to that station. Hence the applicant has approached this Tribunal praying for the above reliefs.

3. When the matter came up for hearing, counsel for the applicant submits that there exists enough vacancies at various places and he will be satisfied if he is given a transfer to the JNV Kottayam.

4. Counsel for the respondents submits that the respondents are ready to consider the case of the applicant since vacancy has arisen in Kottayam and the matter can be settled by the 2021 general transfer itself.

5. In view of the undertaking made by counsel for the respondent nos. 1,2&4 Mr. M.K Padmanabhan Nair, ACGSC, **we dispose of the Original Application by directing the respondents to grant transfer to the applicant to Kottayam in the available vacancy at JNV Kottayam in the General Transfer for the year 2020-21 itself.**

6. The O.A is disposed of as above. No costs.

**(K.V.Eapen)**  
**Administrative Member**

**(P.Madhavan)**  
**Judicial Member**

**List of Annexures**

Annexure A1 - True copy of notification No. F.2-1/2020(ATD)-NVS(Estt.II)/5524 dated 27.01.2021 issued by the 1<sup>st</sup> respondent.

Annexure A2- True copy of application dated 02.02.2021 submitted by the applicant.

Annexure A3- True copy of the proposed transfer list for the Annual Transfer Drive 2020-21 published by the NVS in its web site (relevant portion).

Annexure A4- True copy of representation dated 04.05.2021 to the 2<sup>nd</sup> respondent.

Annexure A5- True copy of the order F.2-2/2020/ATD/NVS(Estt.II)/7145 dated 01.06.2021 issued by the 1<sup>st</sup> respondent.

Annexure A6- True copy of the representation dated 05.06.2021 to the 2<sup>nd</sup> respondent.

Annexure A7- True copy of the order dated 05.01.2021 in O.A.No.180/00135/2020 of the Hon'ble Tribunal.

Annexure A8- True copy of the final transfer list was published vide No.F.2-2/2020/ATD-NVS(Estt.II)/7218 dated 1.7.2021 issued by the NVS(relevant portion).

Annexure A9- True copy of the representation dated 07.07.2021 submitted by the applicant.

Annexure A10- True copy of the notification No.F.2-1/2020(ATD)-NVS(Estt.II)/5338 dated 22.12.2020 issued by the NVS.

Annexure R3(a)- True copy of the Notice No. F.2-1/2020/ATD-NVS(Estt.II)/7/63 dated 08.06.2021 issued by the 1<sup>st</sup> respondent.

Annexure R3(b)- True copy of the Transfer Policy of 2012 of the Navodaya Vidyalaya Samiti.

Annexure R3(c)- True copy of the Transfer Policy of 2014 of Navodaya Vidyalaya Samiti.

Annexure R3(d)- True copy of the application submitted by the 3<sup>rd</sup> respondent herein for transfer.

Annexure R3(e)- True copy of the Notice No. F.2-2/2020/ATD-NVS(Estt.II)/7221 dated 02.07.2021 issued by the 1<sup>st</sup> respondent.

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