

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00120/2019
With
Misc. Application No. 040/00080/2020

Date of Order: This, the 3rd day of September 2021

**THE HON'BLE SMT. MANJULA DAS, CHAIRMAN
THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)**



Smt. Pranita Das
W/O- Sri Chandramoni Tamuli
TGT, Assamese, J.N.V, Diphu
District – Karbi Anglong Assam
Pin – 782460.

... Applicant

By Advocate(s): Sri G. Baishya, Sri A. Hassan
Smt. B. Bora & Sri S.K. Hazarika

-Versus -

1. The Union of India
Through the Secretary, Government of India
Ministry of Human Resource Development
Department of Education, New Delhi
Pin – 110001.

**O.A. No. 040/120/2019 with
M.A. No. 040/80/2019**

2. The Commissioner
Navodaya Vidyalaya Samity
Institutional Area, Sector-62, Noida
Uttar Pradesh – 201307.
3. The Deputy Commissioner
Navodaya Vidyalaya Samity
Regional Office, Temple Road
Barik Point, Lachumiere
Shillong – 793001.
4. The Assistant Commissioner (Admn)
Navodaya Vidyalaya Samity
Institutional Area, Sector-62, Noida
Uttar Pradesh – 201307.
5. The Principal
J.N.V. Diphu
District – Karbi Anglong, Assam
Pin – 782460.



...Respondents.

By Advocate(s): Smt. R.S. Choudhury and
Ms. A. longsu

Date of Hearing: 11.08.2021

Date of Order:

O.A. No. 040/120/2019 with
M.A. No. 040/80/2019

ORDER**NEKKHOMANG NEIHSIAL, MEMBER (A):-**

This OA has been filed by the applicant through Mr. G. Baishya, learned counsel challenging the impugned order no. F.17/CC/NVS(SHR)/PD/Admn/5248 dated 23.01.2019 (Annexure-A). The impugned order was stayed by this Tribunal vide order dated 05.04.2019. Subsequently, the respondent authorities filed MA no. 040/00080/2019 on 26.04.2019 for vacation of the interim order. The MA along with the OA was heard on 09.03.2021 and reserved for orders. However, due to imposition of lockdown on account of second wave of Covid-19 pandemic, the case has been delayed. Thereafter, the case was

O.A. No. 040/120/2019 with
M.A. No. 040/80/2019

released again on 11.08.2021 and reserved for orders on the same day.

2. In this OA, the applicant is asking for the following relief:-



"8.1 That the Hon'ble Tribunal be pleased to set aside and quash the order No. F.17/CC/NVS(SHR)/PD/Admn/5248 dated 23.01.2019 issued by the respondent no. 4.

8.2 That the Hon'ble Tribunal be pleased to direct the respondent authorities to allow the applicant to continue her service in her present place of posting I.e. JNV, Diphu, Karbi Anglong under spouse ground.

8.3 Cost of the application.

8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper."

3. The applicant in this OA No. 040/00120/2019 submitted that she was initially transferred to JNV, North Sikkim on attachment vide order dated

O.A. No. 040/120/2019 with
M.A. No. 040/80/2019

09.11.2018. With the intervention of this Tribunal vide order dated 13.11.2018 in OA No. 040/00379/2018, her attachment to JNV, North Sikkim was stayed. Subsequent to this, without any valid reason, the respondent authorities vide this impugned order dated 23.01.2019 have again transferred her to JNV Changlang, Arunachal Pradesh on attachment. She further submitted that she had made representation against the attachment order ventilating her grievances and difficulties including her physical ill-health, academic sessions of her two children who are studying in the same Vidyalaya i.e., Diphu, Karbi Anglong and the fact that her husband being posted in the present place i.e., Diphu, Karbi Anglong. She also contended that there is no vacancy of TGT (Assamese) in JNV Changlang, Arunachal Pradesh as



O.A. No. 040/120/2019 with
M.A. No. 040/80/2019

there is already a permanent teacher for the subject of Assamese and there is no justifiable ground to transfer her to that station on attachment.



4. The respondent authorities filed their written statement on 28.06.2019. Apart from narrating the background of the case, the respondent authorities highlighted the recommendation of the constituted committee in the complaint against the Principal wherein it has been recommended that the applicant along with her husband should be transferred to JNV out of Shillong region, as they are creating unhealthy atmosphere and also completed more than 15 years. They also stated that the order for her transfer to JNV Changlang is purely on “attachment basis” not transfer.

O.A. No. 040/120/2019 with
M.A. No. 040/80/2019

5. The applicant filed rejoinder to the written statement on 16.03.2020. The applicant highlighted that the constituted committee on inquiry against the Principal Sri Rajendra Kumar submitted the report without arriving at definite position whether the allegations are true or not but recommended the transfer of the applicant along with her husband. The applicant also highlighted that she is already placed under suspension and the change of headquarter to Changlang, Arunachal during her suspension period is not justified and unfair.



6. We have considered the submissions made by both the parties before us. Considering the fact that the applicant is under suspension and also going through the process of disciplinary proceeding at her present place of posting at JNV Diphu, Assam, the

O.A. No. 040/120/2019 with
M.A. No. 040/80/2019

Impugned order no. F.17/CC/NVS(SHR)/PD/Admn/5248 dated 23.01.2019 (Annexure-A) is hereby set aside and quashed. Consequently, MA 040/00080/2019 filed by the respondent authorities for vacating the interim order dated 05.04.2019 stands dismissed.

7. The OA is allowed to the above extent. No order as to costs.



(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
CHAIRMAN

Sourabh

O.A. No. 040/120/2019 with
M.A. No. 040/80/2019