

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 040/00188/2019

with

Misc.Application No. 040/00173/2019

**THE HON'BLE MRS. MANJULA DAS, CHAIRMAN
THE HON'BLE MR. N. NEIHSIAL, ADMINISTRATIVE MEMBER**

Sri Chandramoni Tamuli
PGT, English, JNV, Diphu
District – Karbi Anglong
Assam, Pin – 782460.



.....Applicant

By Advocate(s): Sri G. Baishya & Sri A. Hassan

-VERSUS-

1. The Union of India, through the Secretary, Government of India, Ministry of Human Resource Development, Department of Education, New Delhi – 110001.
2. The Commissioner
Navodaya Vidyalaya Samity
Institutional Area, Sector-62, Noida
Uttar Pradesh- 201307.

3. The Assistant Commissioner
Navodaya Vidyalaya Samity
Institutional Area, Sector-62, Noida
Uttar Pradesh- 201307.
4. The Deputy Commissioner
Navodaya Vidyalaya Samity
Regional office, Temple Road
Barik point, Lachumiere
Shillong – 793001.
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:



ORDER

N. NEIHSIAL, ADMINISTRATIVE MEMBER:

This O.A. has been filed by the applicant under section 19 of the Administrative Tribunal Act, 1985 seeking the following main reliefs:

8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned order F. No. 17/CC/NVS(SHR)/CTamuli/Admn/649 dated 22.05.2019 issued by the Deputy Commissioner, Novodaya Vidiyalaya Samiti, Regional Office, Shillong (respondent No. 4)

8.2 That the Hon'ble Tribunal be pleased to direct the respondent authorities to allow the applicant to stay at his present place of posting i.e. JNV, Diphu, Karbi Anglong for the ends of justice."

2. This case has been filed by the applicant through Sri G. Baishya, learned counsel challenging the impugned order F. No. 17/CC/NVS(SHR)/CTamuli/Admn/649 dated 22.05.2019 attaching him on transfer to JNV, Changlang, Arunachal Pradesh from JNV Diphu, Karbi Anglong, Assam during the period of his suspension. The impugned order was considered and stayed by this Tribunal vide order dated 18.06.2019. Subsequently, the respondent authorities have filed an M.A. No. 173/2019 for vacating of the said interim order on 27.11.2019. This O.A. along with M.A. was



finally heard on 09.03.2021 and reserved for orders. However, due to imposition of lockdown on account of second wave of covid-19 pandemic, adjudication/order could not be pronounced. Thereafter, this case was released again on 11.08.2021 and reserved for orders on the same day.

3. The facts of the case are that the applicant is working in JNV, Diphu Karbi Anglong as PGT English. The applicant along with wife was initially transferred to JNV, North Sikkim which was stayed by this Tribunal vide its order dated 26.04.2019 in O.A. No. 134/2019. The applicant in this O.A. has challenged his transfer to JNV, Changlang, Arunachal Pradesh on attachment.

4. The applicant contended that during the period of suspension, the transfer of the applicant is against the law and accordingly, he prayed for setting



aside and quashing of the impugned order dated 22.05.2019.

5. The respondent authorities in their written statement filed on 18.11.2019 submitted that the applicant along with his spouse Smt. Pranita Das have not only involved themselves in anti-organisation activities by instigating and misguiding the students against Sri Rajinder Kumar, Principal, JNV, Karbi Anglong, Assam, but have also continuously created an unhealthy atmosphere in the Vidyalaya. As such, the respondent authority placed the applicant under suspension vide office order dated 22.05.2019. Since the presence of the applicant in the Vidyalaya campus at JNV, Diphu, Karbi Anglong may obstruct in the inquiry into the charge against the applicant, they placed him at JNV, Changlang, Arunachal Pradesh as his Headquarter during the period of suspension. They contended that



the applicant is not entitled to get any relief as prayed for in the O.A. and the instant O.A. deserves to be dismissed.

6. The applicant has filed his rejoinder to the written statement on 10.01.2020 wherein he pointed out that his changing of Headquarter during the period of suspension is not permissible in the eye of law.



7. We have considered the issue. It is an established procedure that unless the suspended official is willing to be transferred to another station during the period of suspension, his Headquarter is not unilaterally changed which could be disadvantage to him. In this case, irrespective of nature of charges which is not placed before this Tribunal by the respondent authorities, the applicant is objecting being transferred out from the present place of posting i.e. JNV Diphu, Karbi Anglong, it is therefore, not fair on the part of the

respondents to change his Headquarter during the period of suspension pending disciplinary proceedings.

8. In view of the above, the impugned order F.No. 17/CC/NVS(SHR)/CTamuli/Admn/649 dated 22.05.2019 is hereby set aside. Consequently, M.A. No. 040/00173/2019 filed by the respondents for vacation of the interim order 18.06.2019 stands dismissed.



9. O.A. is allowed to above extent. There shall be no order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
CHAIRMAN

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