



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.627/2021
M.A. No.802/2021

This the 22nd day of March, 2021

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Smt. Nisha Maurya,
w/o Sh. Deepak Chandra Maurya,
R/o 11, Professors Colony,
DJ College Campus,
Nehru Road,
Baraut Baghpat (UP)-250611

- Applicant

(By Advocate: Mr. Ankur Ahlawat and Mr. Anmol Jain)

Versus

1. Union of India through
Chairperson,
Navodaya Vidyalaya Samiti,
Ministry of Human Resource & Development
Shastri Bhavan, New Delhi-110001
2. The Commissioner,
Navodaya Vidyalaya Samiti,
Department of School Education & Literacy,
Govt. of India, B-15 Institutional Area,
Sec-62, Gautam Budh Nagar,
Uttar Pradesh-201039
3. The Deputy Commissioner,
Navodaya Vidyalaya Samiti,
(Lucknow Region)
Lucknow, UP
4. The Principal,
Jawahar Navodaya Vidyalaya,
Post-Phulera, Sharfabad,
Baghpat, UP-250617

- Respondents

(By Advocate: Mr. S. Rajapaa)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The applicant was appointed as a Physical Education Teacher (PET) in the Navodaya Vidyalaya Samiti (NVS), the second respondent herein, in the year 1994. On a request made by her, she was posted in an institution at Baghpat in the year 1999 on the ground that her husband was working at that place.

2. Normally, the stay of the employee, who is transferred under the spouse priority category, is 10 years and in the case of the applicant, that expired in the year 2010. On the request made by the applicant, the respondents accommodated her for 7 more years. According to the norms stipulated by the respondents, she needs to be considered under the relevant category, for the purpose of transfer and posting.

3. The applicant contends that the status “Protected Deemed” deserves to be extended to her in view of the fact that her husband is working in the same place, and in case she shifts to the category of “Deemed”, it would be open for other employees to seek transfer in her place.

4. In this background, the applicant filed this OA with a prayer to direct the respondents to continue her status as “Protected Deemed” instead of “Deemed”.

5. We heard Mr. Ankur Ahlawat, learned counsel for the applicant and Mr. S. Rajappa, learned counsel for the respondents.

6. The protection accorded to an employee, who is transferred to the place of his or her spouse, is for 10 years. Being considerate towards the applicant, the respondents have extended the facility of seven more years. By now she completed two decades in the same place. The respondents have their own policy/guidelines to be followed whenever transfers are made.

7. We, therefore, dispose of the OA, directing that the case of the applicant shall be dealt with strictly in accordance with the stipulated norms in the context of transfer, without any deviation.

Pending MA also stands disposed of.

There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/rk