

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

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O.A/350/941/2021

Date of Order: 09.07.2021

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Babulal Yadav, Son of Sri Ram Dhari Yadav,
Presently residing at Jawahar Nabodaya Vidyalaya,
P.O.- Banipur, Dist.- North 24 Parganas, PIN-743233,
a permanent resident of Village Karma Maharupru,
PO- Sarayan Ganesh, Dist-Mau, Uttar Pradesh,
PIN- 275105.

.....Applicant

Versus



1. The Union of India, service through the Secretary, M/o Human Research Development, Department of School Education and Literacy, Ministry of Education, having office at Shashtri Bhawan, Central Secretariat, New Delhi-110001.
2. The Navodaya Vidyalaya Samity, through the Commissioner, having office at B-15, Institutional Area, Sector 62, Noida, Uttar Pradesh, PIN 201307.
3. The Commissioner, Navodaya Vidyalaya Samity, having office at B-15, Institutional Area, Sector 62, Noida, Uttar Pradesh, PIN 201307.
4. The Deputy Commissioner (Personnel), Navodaya Vidyalaya Samity, having office at B-15, Institutional Area, Sector 62, Noida, Uttar Pradesh, PIN 201307.
5. The Deputy Commissioner, Patna Region, Navodaya Vidyalaya Samity, having office at Block A & B Karpuri Thakur Sadan, Ashiana- Digha Road, Patna, Bihar, PIN- 800025.
6. The Principal, Jawahar Navodaya Vidyalaya, Banipur, Habra, District-North 24 Parganas, PIN-743233.

.....Respondents

For The Applicant(s): Mr. D. Banerjee, counsel
Ms. Gargi Roy, counsel

For The Respondent(s): Mr. P. Bajpayee, counsel

O R D E R (O R A L)

Per: Dr. Nandita Chatterjee, Administrative Member

Being aggrieved at his loss of "Protected Deemed" status on spouse grounds, the applicant has approached this Tribunal in the instant O.A and would seek the following relief:

"1. An order setting aside the impugned decision of the Deputy Commissioner (Personnel) of the Navodaya Vidyalaya Samity as communicated to the applicant on 17.02.2021 as annexed to the instant Application.

[Signature]

2. An order directing the Respondents, their men, agents, subordinates and employees to treat and place the applicant under the Protected Deemed category on Spouse Ground and not to displace and/or transfer the applicant from his present place of posting that Jawahar Nabodaya Vidyalaya, Banipur, North 24 Parganas on Spouse Ground."

2. Heard both Id. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. The brief facts of this matter, as advanced by the applicant's counsel, is that the applicant was appointed as a Post Graduate Teacher (PGT) in Hindi with the respondent authorities on 02.01.2004. That, vide notice dated 25.09.2020 (at Annexure A-5 to the O.A), the respondent authorities had launched an Annual Transfer Drive 2020-21, which, however, was postponed due to the ongoing Corona Pandemic. On 22.12.2020, however, the office of the Respondent no. 4 notified certain interpretation/incorporations in the Annual Transfer Drive 2020-21 (at Annexure A-7 to the O.A) and the applicant, who had been placed under the "Protected Deemed" category, was thereafter placed in the category of "Deemed" in the first round of Annual Transfer Drive 2020-21, subjecting him to transferable service.

On 17.02.2021, the applicant had prayed for placing him in the "Protected Deemed" category on spouse grounds as his wife is working as a State Aided College Teacher Category I. His prayer, however, was rejected by the office of Respondent no. 4 (at Annexure A-13 to the O.A), and, the applicant, thereafter, submitted further written prayers on 15.06.2021 (at Annexure A-14 to the O.A) and on 03.07.2021 (at Annexure A-15 to the O.A), stating that his spouse qualified as a Government servant with the State Government thereby enforcing his eligibility to be granted "Protected Deemed" status on spouse ground.

As his further appeals did not merit consideration with the authorities, Id. Counsel for the applicant would submit that the applicant would be fairly

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satisfied if instructions are issued to the respondents to dispose of his pending representations in a time bound manner.

4. Ld. Counsel for the respondents would submit that no cause of action has arisen as no transfer order has been issued to the prejudice of the applicant. Ld. counsel for the respondents, however, would not object to consideration of his representations in accordance with law.

5. Accordingly, without entering into the merits of the matter and with the consent of both parties, we hereby direct the addressee respondent authority or any other competent respondent authority to dispose of the representations/appeals of the applicant at Annexures 14 and 15 to the O.A. in accordance with law and in the form of a reasoned and speaking order within a period of 12 weeks from the date of receipt of a copy of this order.

Till such time his appeals/representations are disposed of, the applicant's status as "Protected Deemed" with respect to transfer shall be retained.

6. With the above directions, the O.A stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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