

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 18th day of January, 2001 -

Original Application No. 1334 of 2000

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Bhal Chandra Prasjapti,
Son of Hira Lal,
Resident of Village Dakhin Tola,
Bansgaon, District-Gorakhpur.
(Sri R.C. Singh, Advocate)

..... Applicant

Versus

1. Union of India through its
Secretary Ministry of Human Resources Development,
Department of Education, Government of India,
New Delhi.
2. Deputy Director, Navodaya Vidhyalaya Samiti,
Regional Office, Lucknow.
3. Mr. Rama Shankar Rao,
Incharge/Officiating Principal,
Jawahar Navodaya Vidhyalaya,
Kasia, Kushi Nagar.

(Sri LM Singh/Sri V. Swarup, Advocates)

..... Respondents

O R D E R (O_r_a_1)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

The applicant Bhal Chandra Prasjapti, who is
serving as Trained Graduate Teacher at Navodaya
Vidhyalaya, Kasia, Kushinagar, has filed this application
under Section 19 of the Administrative Tribunals Act,



1985, challenging the order of transfer dated 21/24-8-2000 modified vide order dated 7-9-2000 transferring him from Jawahar Navodaya Vidhyalay, Kasia, Kushinagar to Jawahar Navodaya Vidhyala, Dhungiri, Purola, Uttar Kashi in the State of Uttranchal. It appears that before coming to this Tribunal, the applicant challenged the aforesaid order before the Hon'ble High Court of Judicature at Allahabad in writ petition no.44805 of 2000. The aforesaid writ petition was disposed of finally by the order dated 18-10-2000 by following orders :-

"It is well settled in law that a petition under Article 226 of the Constitution of India cannot be filed and entertained by this Court on the ground of personal problems and difficulties of the petitioner. I do not find any illegality in the impugned order. It is, however, observed that if the petitioner was in personal difficulty and was unable to join on the present place of posting, he could file a representation before the competent authority for ventilation of his grievances. He can still file a representation for appropriate relief. If such a representation is filed within 15 days from today, the same shall be dealt with and decided expeditiously, preferably within a period four months from the date a representation alongwith a certified copy of this order is filed before the competent authority.

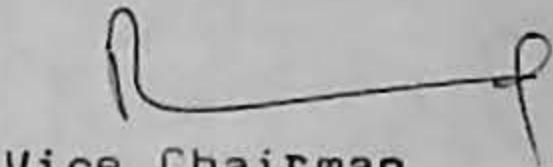
Till decision of the representation, effect shall not be given to the impugned orders of transfer.

With these observations and directions, this petition stands disposed of finally"

2. From the perusal of the aforesaid order, it is clear that the legality of the impugned order of transfer has been upheld by the Hon'ble High Court. However, the applicant was permitted to file a representation before the respondents placing his



personal difficulties. The applicant availed that remedy. He filed a representation but the same has been rejected on 6-11-2000. As the order of transfer has been upheld by the Hon'ble High Court, I do not find it appropriate for this Tribunal to interfere in the matter. The application is accordingly rejected. There shall be no order as to costs.



Vice Chairman

Dube/