

Open Court**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**Original Application No. 66 of 2002Tuesday, this the 16th day of December, 2008Hon'ble Mr. Ashok S. Karamadi, Member (J)

Smt. Sadhna Dubey aged about 34 years, W/o Shri Ajay Dubey,
resident of 38 Toriya Narsingh Rao, Jhansi.


Applicant**By Advocate: Sri R.K. Nigam.****Vs.**

1. Navodaya Vidyalaya Samiti through its Commissioner, Indra Gandhi Stadium, Administrative Block, Indraprastha, New Delhi.
2. Dy. Director, Navodaya Vidyalaya Samiti, B-10, Sector 'C', Ali Ganj, Lucknow.
3. Principal, Jawahar Navodaya Vidyalaya, Barswasagar, Jhansi.

Respondents**By Advocate: Sri S.K. Anwar****ORDER****By Ashok S. Karamadi, J.M.**

This application is filed against the transfer order dated 31.12.2001/02.01.2002 (annexure A-1). The grievances of the applicant stated in the O.A. are that since her husband is working at some other place and she has got 2 kids aged about 3 years and 2 years respectively, therefore, applicant is unable to accept the transfer order passed by the respondents. Based on that request, she made a representation to the respondents' authority concerned. The respondents' authority considered the request and rejected the same. Hence, this O.A. for the aforesaid relief.

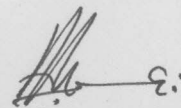
2. On notice, the respondents have filed the counter affidavit, stating that since the order of transfer passed by the respondents is in accordance with rules and regulations, and grievance of the applicant is individual in nature and no allegation of malafide or arbitrariness are forthcoming hence sought for dismissal of this O.A.



3. Heard the learned counsel for the applicant and respondents and perused the pleadings and annexure.

4. At this juncture, learned counsel for the applicant submits that the applicant may be given liberty to prefer a representation before the competent authority in the respondents' department, having regard to the fact that subsequent developments might take place in view of long time after the transfer order 31.12.2001/02.01.2002. Having regard to the said request, as it is seen from the records that even though the order of transfer was passed by the respondents, same is not given effect to, in view of interim order passed in this O.A. as applicant having benefit of interim order continued on the same original post. The grievances of the applicant, which at the time of passing the impugned order of transfer, are naturally changed as on today depending upon the individual grievances and also need of the respondents' department regarding re-adjustment of the employee concerned may have changed. Having regard to the same, it is just and proper, as requested by learned counsel for the applicant, to give liberty to the applicant to make a representation, if any grievance subsists as on today, to the concerned competent authority. If the same is submitted, that can be looked into by the concerned competent authority in accordance with law and prevailing circumstances. That being so, the grievance of the applicant in this O.A. does not survive for consideration.

5. In view of the above, this O.A. is disposed of with directions to the respondents, without interfering with the impugned order dated 31.12.2001/02.01.2002 (annexure-1) passed by the respondents' authority. The interim order dated 25.01.2002 stands vacated. However, the liberty is given to the applicant to make representation to the respondents' authority within 3 weeks from the date of receipt of a copy of this order and if such a representation made by the applicant, the respondents' authority shall dispose of the representation within 4 weeks from the date of receipt of representation alongwith copy of this order. No order as to costs.



[Ashok S. Karamadi]
Member 'J'

/M.M/