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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No. 881 of 2008

Allahabad, this the 16th day of September, 2008.

Hon'ble Mr. A.K. Gaur, J.M.

Mumtaz Ahmad, S/o late Sri Shafat Ahmad, Regional Language Teacher, TGT (Urdu), Jawahar Navodaya Vidyalaya at Azamgarh (UP) and resident of Mohalla Askarganj (near) Kotwali, District Gorakhpur, U.P.

...Applicant.

By Advocate : Sri Narendra Srivastava .

Versus

1. Union of India through the Secretary, Ministry of Human Resources Development, Department of Education, Government of India, New Delhi.
2. The Commissioner, Navodaya Vidyalaya Samiti at A-28 Kailash Colony, New Delhi.
3. Assistant Commissioner (Estt.), Navodaya Vidyalaya Samiti, A-28, Kailash Colony, New Delhi.
4. Deputy Commissioner, Navodaya Vidyalaya Samiti, at Regional Office Lucknow, Lekhraj Panna, Third floor, Sector-2, Vikas Nagar, Lucknow.

...Respondents.

By Advocate : Sri N.P. Singh.

O R D E R

I have heard Sri Narendra Srivastava, counsel for the applicant and Sri N.P. Singh for respondents.

2. Sri N.P. Singh, learned counsel for the respondents raised preliminary objection that the applicant has not exhausted the departmental remedy of filing a representation/appeal to the competent authority for redressal of his grievance and has come to this Tribunal directly. In this context, the learned counsel for the respondents has placed reliance on the decision of Hon'ble Supreme Court in

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the case of **Shanti Kumari Vs. Regional Deputy Director, Health Services, Patna Division, Patna and Others (AIR 1981 SC 1577)**. I have carefully perused the judgment rendered by Hon'ble Supreme Court in the case of Shanki Kumar (supra).

3. Having heard the parties' counsel at considerable length, I am firmly of the view that the grievance of the applicant might be redressed in case a direction is given to the applicant to prefer a fresh representation to the competent authority within 10 days from the date of receipt of a certified copy of this order. If such a representation is received by the competent authority, the same shall be considered and disposed of by a reasoned and speaking order in accordance with law taking into account all the grounds raised by the applicant in his representation within a period of one month from the date of receipt of such representation. It is made clear that till the disposal of the representation of the applicant, no coercive measure shall be taken against the applicant regarding his transfer.

4. With the above observations, the O.A. stands disposed without any order as to costs.

Anjan
MEMBER-J

GIRISH/-