

OA No.370 of 2009

Dr.S.N.Tripathy Applicant
Versus
UOI & Ors. Respondents

1. Order dated 21th August, 2009.

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)

On being mentioned by Mr. D.P.Dhalsamant, Learned Counsel for the Applicant in presence of Mr.U.B. Mohapatra, Learned Senior Standing Counsel for the Union of India appearing on notice for the Respondents, this matter is taken up today.

2. Applicant is working as a Trained Graduate Teacher (Oriya) in Jawahar Navodaya Vidyalaya, Hadagada, Keonjhar. It is seen from the record that as a matter of policy the Samiti decided to transfer those regional language teachers who are continuing more than five years in State of Orissa so as to bring the regional language teachers continuing outside the State. However, it is seen that before effecting such transfer, the Respondents prepared a list of the teachers directing them to appear at the counseling. Thereafter, the present transfer order under Annexure-A/5 has been passed in transferring the Applicant from his place of posting and thereby posting the Respondent No. 5 in place of the Applicant. Being aggrieved by the said order, the Applicant has filed this Original Application seeking to quash the same. In support of the plea that the order of transfer is not sustainable, he has raised several grounds

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such as education of his children, crossing the age of 50 years prohibiting to face transfer, wife's employment etc. In support of his plea that transfer during mid academic session is bad, he has also relied on the case of **Director of School Education Madras and others v O.Karuppa Thevan and others**, 1995 (1) ATT (SC) 21.

3. Heard Learned Counsel for both sides on the above issue in extenso. It is seen that the applicant has submitted representation ventilating his grievance but according to the Applicant he has received no reply on the same. It is seen that all the grounds raised by him are personal grounds and can be looked into by the authority but certainly on that ground the order of transfer of an employee cannot be quashed by Court/Tribunal. Interference by the Tribunal in the order of transfer is also no more *res integra*. In view of the above, without expressing any opinion on the merit of the matter, as agreed to by learned counsel for both sides, this Original Application is disposed of at this admission stage, with direction to send the paper book of this case to the Respondent No.2 who shall consider the matter keeping in view the decision of the Hon'ble Apex Court in the case of **Director of School Education Madras and others v O.Karuppa Thevan and others**, 1995 (1) ATT (SC) 21 holding that if there will be no inconvenience the administration should not give effect to the order of transfer till the end of the academic session and pass a reasoned order within a period of 30(thirty) days hence. Till then the order of transfer at Annexure-A/5 in respect of Applicant

and Respondent No.5 shall be kept in abeyance. Ordered accordingly.

Send copies of this order along with OA to the Respondents.


Member (Admn.)