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OA No.381 of 2009

Achyutananda Rout Applicant
Versus
UOI & Ors. Respondents

1. Order dated 26th August, 2009.

C O R A M

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

Heard Mr. S.R.Debta, Learned Counsel for the

Applicant and Mr. U.B.Mohapatra, Learned Senior Standing Counsel for the Union of India appearing on notice.

2. Applicant is working as a Trained Graduate Teacher (Oriya) in Jawahar Navodaya Vidyalaya, Kendrapara the District of Kendrapara. As a matter of policy the Samiti decided to effect the rotational transfer of the regional language teachers continuing in one station for more than five years. Consequently, before effecting such transfer, the Respondents prepared a list of the teachers directing them to appear at the counseling. Applicant being one such employee continuing in one station for more than five years, vide order under Annexure-A/6 dated 19th August, 2009 has been transferred to Bhojpur and in his place one S.Samant Ray has been posted as is evident from the said order under Annexure-A/6. This order of transfer of the Applicant has been challenged in this OA seeking to quash the same and till a decision is taken in the matter the order of transfer shall not be given effect to. His stand is that though he has explained his grievance ~~in case of her transfer is~~ effected during the counseling as also through representation, the Respondents without considering the grievance of Applicant
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especially in regard to the continuing study of his children has made the transfer effective.

3. Heard ~~in~~ the matter in extenso. Since the transfer of the applicant has been made by way of a policy decision of the Samiti and personal grounds are matters for the authorities to consider, I find no justifiable reason to entertain this OA. Besides, it is seen that Shri Ray who has been posted in place of applicant has not been made as a party in this OA. Hence this OA is accordingly dismissed.

4. As regards the representation it is seen that no representation has been submitted by the Applicant after the order of transfer of the Applicant. However, he has submitted a representation under Annexure-A/4 which according to the Applicant is pending for consideration. Mr. Mohapatra, Learned SSC has submitted that meanwhile the applicant has been relieved. In view of the above and in view of the fact that when applicant has submitted representation he has a right to know the result thereof. Respondents therefore may do well to consider and dispose of the representation within a period of 30 days and communicate the result thereof to the Applicant.

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


Member (Admin.)