

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 339/2010

Date of order: 21.01.2011

CORAM:

**HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Narendra Singh Chauhan S/o Shri Bharat Singh Chauhan, aged about 47 years, resident of village and post Thakarda, Tehsil Sagwada, District Dungarpur (Raj.)

Official Address: Vehicle Driver C/o Jawahar Navodaya Vidyalaya, Thakarda, District Dungarpur (Rajasthan).

...Applicant.

Mr. R.S. Saluja, assisted by Mr. Nishant, counsel for applicant.

VERSUS

1. Union of India through the Secretary, M/o Human Resource Department, New Delhi.
2. The Commissioner, Navodaya Vidyalaya Samiti, A-28 Kailash Colony, New Delhi.
3. The Dy. Commissioner Incharge, Navodaya Vidyalaya Samiti, Rajasthan Region, 18 Sangram Colony, Mahaveer Marg, C-Scheme, Jaipur.
4. The Principal, Jawahar Navodaya Vidyalaya, Thakarda, Tehsil Sagwada, District Dungarpur (Raj.).

... Respondents

Mr. V.S. Gurjar, counsel for respondent Nos. 2 to 4.

ORDER (Oral)
Per Hon'ble Mr. Justice S.M.M. Alam, Member (J)

Heard learned advocate of the applicant as well as the learned advocate of the respondent nos. 2 to 4 on admission matter. After hearing both the parties, we are of the view that

this Original Application can be disposed of at the admission stage itself.

2. This Original Application has been filed by the applicant, Narendra Singh Chauhan, for quashing and setting aside the impugned order dated 15.11.2010 (Annexure A/1) passed by Deputy Commissioner Incharge, Navodaya Vidyalaya Samiti, Jaipur Region, Jaipur, and also the impugned order dated 19.11.2010 (Annexure A/2) passed by the Principal, Jawahar Navodaya Vidyalaya, Thakarda, Dist. Dungarpur, whereby the applicant's temporary deployment / attachment at Jawahar Navodaya Vidyalaya, Thakarda, Dist. Dungarpur was recalled.

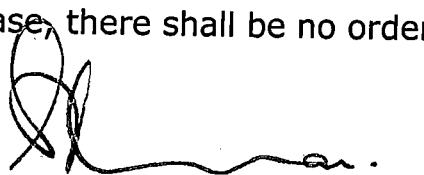
3. During the course of argument, the learned advocate of the applicant submitted that the orders were passed by the respondent-department with malafide intention and the fact is that the applicant is a disabled person who is living with his family members at Thakarda, Dist. Dungarpur.

4. In reply to the argument, the learned advocate of the respondent nos. 2 to 4 submitted that the fact is that the applicant is a permanent employee of Jawahar Navodaya Vidyalaya, Bhilwara, and he was temporary deputed to Jawahar Navodaya Vidyalaya, Thakarda, Dist. Dungarpur but his salary is still being paid all through from Bhilwara itself. The learned advocate of the respondent nos. 2 to 4 further submitted that as the applicant started creating nuisance in the office premises for

which a proceeding under Section 107 read with Section 151 of Criminal Procedure Code was initiated against him as such his deputation at Thakarda was cancelled and he was recalled to Bhilwara. He submitted that there is no malafide in both the impugned orders as no legal right of the applicant was infringed due to the passing of the said orders.

5. Considering the arguments of both the sides and on consideration of the fact that the applicant is the permanent employee of Jawahar Navodaya Vidyalaya, Bhilwara from where he is still drawing his salary and his deputation at Jawahar Navodaya Vidyalaya, Thakarda, Dist. Dungarpur was purely on temporary basis, we are of the opinion that recalling him to his original place of posting does not give him any legal right to file such Original Application for grant of relief to him. We are also of the view that there appears nothing malafide on the part of the authority concerned in recalling him from Jawahar Navodaya Vidyalaya, Thakarda to Jawahar Navodaya Vidyalaya, Bhilwara.

6. In the result, we are of the view that there appears no merit in this Original Application and as such the same is hereby dismissed at the admission stage itself. In the circumstances of the case, there shall be no order as to costs.


(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER


(JUSTICE S.M.M. ALAM)
JUDICIAL MEMBER

दिनांक २१/६/१९८८ के आदेशानुसार
मेरी दास्ताविति में दिनांक १८/६/८८
को छन्न-II का १८ अंक दिया गया ।

दस्तावेज अधिकारी
केन्द्रीय प्रशासनिक अधिकारण
जोधपुर न्यायपीठ, जोधपुर