

A. Subha

x/s. Commissioner, Navodaya  
Vidyalaya, Delhi & ors.

D.O. filing 24-6-05

D.O. Regn. 24-6-05

Sub: Transfer

D.O. posting 24-6-05

OA. 485/2005.

~~24/6~~ (Today)

24.6.05 Mrs Sumathi Dandapani  
Mr MK Damodaran(rep)

The applicant a Trained Graduate Teacher (Malayalam) presently working at Jawahar Navodaya Vidyalaya, Calicut has been transferred to Jawahar Navodaya Vidyalaya, Jhansi (U.P). The grievance of the applicant is that she being a Malayalam Teacher has been transferred to a Hindi speaking area, would cause her inconvenience to teach. It is further stated that the entire issue of liability of transfer of the third language teachers has been agitated before the Tribunal and also before the High Courts of Kerala and Karnataka and the matter is now pending before the Hon'ble Supreme Court in SLP (Civil) No.11895/2005. The applicant also urges that the transfer is not in accordance with the transfer policy of the Navodaya Vidyalaya which is to be done on the basis of seniority in the Region and has furnished particulars of two individuals who are working in this Region who are senior to the applicant (Para 8 of the OA). The counsel for the respondents strongly contested the prayer of the applicant stating that the transfers had been made in accordance with the policy and that no one has been discriminated.

Since the applicant has furnished the information regarding the seniors who are working in the Region and who had not been disturbed we direct the counsel for the respondents to verify the statement within 10 days and report. In the meantime, the applicant shall not be disturbed from the present place of posting till the next date of hearing. Post on 5.7.2005.

Mr Sumathi  
24/6

G.O. dt 24/6/05 issued  
on 24/6/05

24/6/05

KVS(JM)

SN(VC)

24.6.05

trs

5.7.2005

Mrs.Sumati Dandapani  
Mr.MK Damodaran (rep)

It is submitted that the reply is statement is being filed today. Applicant may file rejoinder, if any, within a week. List on 13.7.2005. a.m. 04 479/05

The interim order will continue till then.

KVS(JM)

SN(VC)

5.7.2005

S.

5/6/05  
issued  
5.7.05

Reply returned for  
curing defects (490)

7.7.05

रजिस्ट्री के टिप्पण  
Notes of the Registry

अधिकरण के आदेश  
Orders of the Tribunal

13.7.05. Mr.KP Dandapani  
Mr.MK Damodaran (rep)

C-II

When the matter came up before the Bench, after hearing the parties for some time learned counsel for the applicants submitted that they have already filed a SLP (Civil) No.11895/2005 before the Hon'ble Supreme Court against the orders of the Hon'ble High Court in Writ Petition (C) No.34875/2004 and the communications A3 and A3(2) have also produced by the counsel for the parties. A3(2) is a certificate which has been issued by the Advocate, Shri Wills Mathews states as follows :

"This is to certify that we have filed a special leave petition (Civil) No.11895 of 2005 before Hon'ble Supreme Court of India against the impugned judgment and final order dated 15<sup>th</sup> April, 2005 passed by the Hon'ble High Court of Kerala at Ernakulam, in Writ Petition (Civil) No.34875 of 2004 titled as C.D.Joy and Ors. (12 Nos) Vs. Union of India and Others."

It further states that:

"I had a discussion with Senior Advocate Mr. P.P.Rao, on 11.7.2005 at 8.00 pm and he suggested me to inform the petitioners to move an application praying for extension of stay in the interest of justice. Before the Hon'ble judges of the Bench hearing this matter, as the matter is pending before Hon'ble Supreme Court of India and is posted for 25.7.2005."

Learned counsel for the applicant submitted that since the matter has already taken before the Hon'ble Supreme Court, the case may be posted immediately after 25.7.2005, as last chance.

Learned counsel for the respondents Shri M.K.Damodaran persuasively argued that, if the interim order is extended, it will prejudice the interests of the students and hence, he objected to grant the same. However, considering the entire aspects and the fact that the matter is pending before the Hon'ble Supreme Court, we are of the considered view that the stay which has been granted to the applicants should be extended upto 27.7.2005. It is also made clear that, the applicants if they are interested, pursue the matter before the Hon'ble Supreme Court and come with the result positively on that date, otherwise, no further adjournment will be given and all these matters would be disposed of. Call on 27.7.05. (Copy of the order may be given to the counsel for respondents).

NR(AM)

13.7.05

KVS(JM)

By  
W. Amil

1.0 ready on 14/7/05

✓✓

रजिस्ट्री के टिप्पण  
Notes of the Registry

अधिकरण के आदेश  
Orders of the Tribunal

20.7.05

KVS/NR

C-II

35. Mr.MK Damodaran  
Mr.KP Dandapani (rep.)

Post on 27.7.2005. a.w.o 442 4/05

By order



CO II

asp

27.7.2005

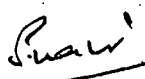
Mr.Sumati Dandapani  
Mr.MK Damodaran (rep.)

OA is dismissed. Detailed order will follow.

MA 672/05 is allowed. The interim order issued  
on 24.7.2005 is vacated.


KVS(JM)

27.7.2005

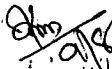
  
SN(VC)

By 28/7  
in mail

1.0. received

  
28.7.05

Common order  
kept in A 479  
2005

  
28/7

1  
**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.NOS. 479/2005, OA 484/2005,  
O.A.485/2005, OA 486/2005  
OA 487/2005, OA 490/2005, OA 492/2005,  
OA 509/2005 & OA 512/2005

Wednesday this the 27<sup>th</sup> day of July, 2005

**CORAM**

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN  
HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

*Common order (Final)*

*kept in*

*OA. 479/2005*

*9/8*