

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.512/2002

Monday this the 22nd day of July, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Sunithakumari N.S.  
W/o Satheeshkumar,  
Trained Graduate Teacher  
Jawahar Navodaya Vidyalaya  
Vadavathoor, Kottayam,  
residing at Qr.No.S.P.7  
JNV Quarters, Kottayam.

...Applicant

(By advocate Mr. Premchand R.)

v.

1. Union of India, represented by  
the Secretary, Ministry of Human Resources  
Development, Department of Education,  
New Delhi.
2. The Director,  
Jawahar Navodaya Vidyalaya Samiti  
New Delhi.
3. The Deputy Director,  
Navodaya Vidyalaya Samiti (Hyderabad Region)  
6-1-119(C) Padmaraonagar,  
Seconderabad.25.
4. The Principal,  
Jawahar Navodaya Vidyalaya,  
Vadavathoor, Kottayam.
5. T.C.S.Naidu,  
Deputy Director  
Navodaya Vidyalaya Samiti (Hyderabad Rgion)  
6-1-119C Padmaraonagar,  
Seconderabad.25.
6. George Joseph  
Principal, Jawahar Navodaya Vidyalaya,  
Vadavathoor, Kottayam.
7. Annamma George,  
Trained Graduate Teacher (English)  
Jawahar Navodaya Vidyalaya,  
Kulamavu, Idukki. ....  
..Respondents

(By Advocate Mr. Matheus J Nedumpara(R1-4)

The application having been heard on 22.7.2002, the  
Tribunal on the same day delivered the following:

contd....

ORDER

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

Applicant, a Trained Graduate Teacher (English) presently working in Jawahar Navodaya Vidyalaya, Vadavathoor, Kottayam District is aggrieved that she is being transferred to Idukki merely for the purpose of accommodating the 7th respondent who happens to be the wife of the 4th respondent Principal, Jawahar Navodaya Vidyalaya impleaded in his personal capacity as the 6th respondent. It is alleged in the application that the Deputy Director, the third respondent who has been impleaded in his personal capacity as the 5th respondent had called the applicant and directed her to make a representation for transfer to Idukki, that the applicant <sup>so</sup> did not agree to do and that at the behest of the 6th respondent, the 5th respondent has issued the order transferring her to Idukki without bonafides and not in public interest. The applicant when she filed the OA did not produce the order by which the applicant has been transferred and relieved stating that when the same was tendered in a sealed cover she did not accept it. However, alongwith an MA today, the applicant has produced Annexures A2 and A3 orders by which she has been transferred and posted to Idukki and relieved from Kottayam. The applicant seeks to have the order of transfer set aside and for a direction to the official respondents to allow the applicant to continue at Kottayam or consider her transfer to Trivandrum. The applicant has alleged that another T.G.T(English) Mr. Jose PP has expressed his willingness to be posted in Idukki and the respondents should consider the case of the

Contd....

applicant for retention at Kottayam and for transfer of Mr.Jose PP to Idukki.

2. We have perused the application and annexures appended thereto and have heard Shri Premchand, learned counsel of the applicant and Shri Mathews J.Nedumpara, learned counsel for the official respondents. Learned counsel of the respondents stated that the transfer of the applicant from Kottayam to Idukki has been made in public interest and there was no lack of bonafides. The request of the applicant for transfer to Trivandrum could not be acceded to as there was no vacancy for the time being. The applicant who has completed more than the normal tenure of five years, i.e., 7 years in Kottayam, she being due for a transfer has been accommodated in Idukki the nearest possible place. Counsel, therefore, states that there is no reason for judicial intervention in the matter. He also stated that the request of the applicant for posting to a choice station or for a mutual transfer will be considered if made in accordance with the rules and feasibility. The transfer of the applicant who has already overstayed the normal tenure at Kottayam does not violate any guidelines. The applicant has been accommodated at the nearest possible station. We do not, therefore, find any reason to admit this application. While rejecting the application under Section 19(3) of the Administrative Tribunals Act,1985, we expect the request of the applicant for mutual transfer

*M*

or posting to a convenient place would be considered by the competent authority keeping in view all the relevant aspects as undertaken by their counsel in his submission. No costs.



(T.N.T. NAYAR)\*  
ADMINISTRATIVE MEMBER



(A.V. HARIDASAN)  
VICE CHAIRMAN

(s)

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of order No.F.No.2-1/2002-NVS (Estt.) dated 5.2.2002 issued by the Deputy Director(P&E), Navodaya Vidyalaya Samiti, New Delhi.
2. A-2 : True copy of order No.F.No.1-4/NVS(HR)/2002 dated 15.7.2002 issued by the 3rd respondent transferring the applicant from JNV, Kottayam to JNV, Idukki.
3. A-3 : True copy of order No.F.No.73/JNVK/2002-2003/211 dated 17.7.2002 issued by the Principal, JNV, Vadavathoor, Kot tayam, relieving the applicant from JNV, Kottayam.

\*\*\*\*\*

npp  
24.7.02