

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.616/2001

Thursday this the 19th day of July, 2001

CORAM

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

M.M.Joseph
Principal
Jawahar Navodaya Vidyalaya,
Kottarakkara PO,
Kollam District, Kerala.

...Applicant

(By Advocate Mr. D.Sreekumar)

V.

1. Director,
Navodaya Vidyalaya Samiti,
A.39, Kailash Colony,
New Delhi.48.
2. The Deputy Director (P&E)
Navodaya Vidyalaya Samiti,
A.39, Kailash Colony,
New Delhi.48.
3. The Deputy Director,
Navodaya Vidyalaya Samiti,
Hyderabad Region, 6-1-119/C
Padma Rao Nagar,
Secunderabad.500 025.
4. The Union of India,
represented by its Secretary,
Department of Secondary Education,
& Higher Education, Ministry of
Human Resources Development,
Central Secretariat,
New Delhi.

...Respondents

(By Advocate Mr.Mathews J Nedumpara (Rep.by Mr.AC Devy)

The application having been heard on 19.7.2001, the
Tribunal on the same day delivered the following:

O R D E R

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

Applicant who is presently working as Principal,
Jawahar Navodaya Vidyalaya , Kottarakkara, Kollam
District where he joined only in May, 1998 has filed this
application challenging the order dated 19.6.01 (A2) of
the 1st respondent transferring him to Angul (Orissa)
Bhopal and the order dated 22.6.01 (A3) issued by the
Regional Deputy Director, Secunderabad giving effect to
contd.....

Annexure.A2 order directing the applicant to be relieved. It is alleged in the application that the applicant had only three years of stay in Kerala while persons with much longer period of stay are being retained, that the transfer is during the midst of the academic year is opposed to the guidelines of transfer, that the order of transfer is not on administrative grounds but on the basis of political influence exerted by some members of the staff who have enmity towards him and that though the applicant has made a representation (Annexure.A4) to the 1st respondent on 6.7.01 unless the Tribunal grant relief the applicant is likely to be relieved. Therefore, the applicant has filed this application seeking to have the impugned orders set aside and for a direction to the respondents not to transfer the applicant during the midst of the academic session.

2. When the matter came up for admission, Shri Mathews J Nedumpara took notice on behalf of the respondents. It is stated by Shri A.C.Devy, learned counsel on his behalf that the applicant has not yet been relieved. Counsel on either side agree that the application may be disposed of directing the 1st respondent to consider the Annexure.A4 representation submitted by the applicant and dispose it off giving him an appropriate reply and that the applicant would not be relieved from the present place of posting till a decision of the first respondent is served on the applicant.

3. In the light of the submission of the learned

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counsel on either side, the application is disposed of directing the respondents to consider the applicant's representation (A4) in the light of the guidelines, rules and instructions on the subject as also the antecedents of the applicant and to give the applicant an appropriate reply. It is also directed that till a decision of the 1st respondent on the representation of the applicant is served on the applicant, the applicant shall not be disturbed from the present place of posting on the basis of the impugned orders. There is no order as to costs.

Dated the 19th day of July, 2001



A.V. HARIDASAN
VICE CHAIRMAN

(s)

List of annexures referred to:

Annexure.A2: True copy of office order No.1-12/2001-NVS (pers) dated 19.6.2001 issued by 2nd respondent.

Annexure.A3: True copy of consequential office order No.F.No.1-86/NVS(HR)/2001/1069 dated 22.6.2001 issued by 3rd respondent.

Annexure.A4: True copy of representation dated 6.7.2001 submitted by the applicant to the first respondent.

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