CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

CAMP AT AURANGABAD

ORIGINAL APPLICATION NO.484/2001, 490/2001. 524/2001 & 525/2001.

TUESDAY, THE SEVENTH DAY OF AUGUST, 2001

CORAM:
SHRI JUSTICE BIRENDRA DIKSHIT. VICECHAIRMAN.
SHRI M.P. SINGH. MEMBER (A)

O.A. NO. 484/2001

Dattatraya Krishnath More,
Age: 35 years. Occu: Service.
R/o Jawahar Novodaya Vidyalaya Gadhi.
Tal. Teorai, Dist. Beed. .. Applicant in OA 484/01

By Advocate Shri A.A. Shastry.

Vs.

1. The Director.
Navahar Navodaya Vidyalaya Samiti.
An Autonomous Organisation of Ministry
of Human Resource Development.
Department of Education,
A-39, Kailash Colony,
New Delhi-110 048.

2. The Deputy Director of Navodaya
Vidyalaya Samiti (Pune Region).
Ministry of Human Resources Development,
78, Mayur Colony, Kothurd,
Pune-29.

3. The Assistant Director (Estt),
Jawahar Navodaya Vidyalaya Samiti.
A-39, Kailash Colony,
New Delhi-110 048.

4. The Principal,
Navodaya Vidyalaya Gadhi,
Tq. Georai. Dist. Beed.

5. The Union of India.
(Copy to be served on Presiding Officer of Central Administrative Tribunal, Mumbai) .. Respondents

By Advocate Shri V.S. Masurkar.

O.A. 490/2001

Kamal Govindrao Tayade,
Age: 34 years, Occu: Service as TGT (Marathi)
in Nvaodaya Vidyalaya Samiti, Ramsathnagar,
R/o C/o D.N. Daidar (J.E.)
P.W.D. No.1 Parbhani-431 401.... Applicant in OA 490/01

By Advocate Shri N.R. Kanteshwarkar.

Vs.

1. Assistant Director (Estt)
Navodaya Vidyalaya Samiti.
A-39, Kailash Colony.
New Delhi-110 048.

2. Assistant Director (PERS).
Navodaya Vidyalaya Samiti.
Pune Region. 78. Mayur Colony,
Kothrud. Pune-411 029.

3. The Principal
Jawahar Navodaya Vidyalaya.

By Advocate Shri V.S. Masurkar.

O.A. NO. 524/2001

Mrs. Jayashree. W.o Shayam Darne.
Aged about 45 years,
Occn: Teacher. r/o camp Amaravati. .. Applicant in OA 524/01

By Advocate Shri S.S. Sanyal.

Vs.

1. Union of India, Ministry of
Human Resources Development,
Department of Education,
South Block. New Delhi.

2. The Navodaya Vidyalaya Samiti,
A-39 Kailash Colony.
New Delhi. through Joint Director.
(Administration)/ (Personnel)

3. The Navodaya Vidyalaya Samiti.
Pune Region. 78-Mayur Colony.
Kothrud. Pune-411 029
through its Assistant Director (Personnel).

4. The principal, Jawahar
Navodaya Vidyalaya, Nimsar
Amaravati.

By Advocate Shri V.S. Masurkar.

O.A. No.525/2001

Mrs. Aruna. W/o Villas Sonak
Aged about 42 years, Occn: Teacher,
r/o Amaravati. ... Applicant in OA 525/01

By Advocate Shri S.S. Sanyal

Vs.

1. Union of India, Ministry of
Human Resources Development,
Department of Education,
South Block, New Delhi. through
Joint Director (Administration/Personnel)

2. The Navodaya Vidyalaya Samiti,
Pune Region, 78-Mayur Colony,
Kothrud, Pune-411 029.
through its Assistant Director (Personnel)

3. The Principal,
Jawahar Navodaya Vidyalaya
Navsari, Amravati. ... Respondents

By Advocate Shri V.S. Masurkar.

ORDER (ORAL)

Shri Justice Birendra Dikshit. Vice Chairman

The above four applications have been filed by trained graduate teachers of third language Marathi of Navodaya Vidyalayas under the management of Navodaya Vidyalaya Samiti, who have been transferred to various Navodaya Vidyalayas at places in Hindi speaking states of Northern India, from this Marathwada region in Maharashtra, have challenged their transfer.

The four applicants who stand transferred are:

S.No.	O.A. No.	Applicant's name	Name and place of institution where they are teaching at present	Name and place of institution of transfer
1.	484/2001	D.K. More	Jawahar Navodaya Vidyalaya, Beed (Maharashtra)	Jawahar Navodaya Vidyalaya, Alwar (Rajasthan)
2.	490/2001	K.G.Tayade	Jawahar Navodaya Vidyalaya, Parbani (Maharashtra)	Jawahar Navodaya Vidyalaya, Dungarpur (Rajasthan)
3.	524/2001	Mrs.Jayashree Shyam Darne	Jawahar Navodaya Vidyalaya, Navasari, (Maharashtra)	Jawahar Navodaya Vidyalaya, Sonepat (Haryana)
4.	525/2001	Mrs.Aruna	Jawahar Navodaya Vidyalaya, Navasari (Maharashtra)	Jawahar Navodaya Vidyalaya, Balraich, (Uttar Pradesh)

The transfer has been made in accordance with the transfer policy dated 9.4.1999 laid down by the Jawahar Navodaya Vidyalaya Samiti

(an autonomous organisation of Ministry of Human Resources Development, Education) A-39, Kailash Colony, New Delhi. Learned counsel for applicants argued that the seniority of each applicant is region wise, and therefore, giving effect to the said transfer policy to the third language teachers (Marathi) outside the region is bad in law. Faced with the Judgments of similar transfer cases at Bangalore Bench of Central Administrative Tribunal in OA No.434 and 982 to 1014/2000 Nagaraju & 33 others Vs. Director, Navodaya Vidyalaya Samiti & Others decided on 09.04.2001, wherein the policy of transfer outside regions has been upheld by Bangalore Bench of the Central Administrative Tribunal, as well as the Judgment of Hyderabad Bench of Central Administrative Tribunal in OA No. 952 to 961 & 947 of 2001 BCR Reddy & Others Vs. Navodaya Vidyalaya Samiti & Others decided on 10.7.2001 which upheld the view taken by the Bangalore Bench of the CAT, and ~~followed~~ its own decision in the aforesaid OAs, applicants have virtually no reply.

2. The learned counsel for applicants did not substantiate arguments by assigning reasons as to why the policy is bad in law. Thus, agreeing with the above mentioned discussions of Bangalore

and Hyderabad Benches of Central Administrative Tribunals, we uphold the transfer policy dt. 9.4.1999 of Navodaya Vidyalaya Samiti (an autonomous organisation of Ministry of Human Resources). The learned counsel for the applicant also contended that children of the applicants of these OAs are studying in various Marathi schools and in case they are transferred to places in Haryana and Uttar Pradesh, where education in Marathi is not possible, they will suffer. He also argued that it is a mid-session transfer and as the transfer order has been communicated after start of academy session, the children will suffer in respect of their studies. Assigning said reasons, the learned counsel for the applicant prayed that the applicants be allowed to make representations for cancelling the transfer order under the circumstances specified in each OA and the operation of the interim order may be continued during the pendency of representation. In support of this part of argument they referred to Judgment of Hyderabad Bench of CAT in BCR Reddy and Ors. Vs. Navodaya Vidyalaya Samiti and Ors. (supra) and submitted that as the Hyderabad Bench granted that much relief, this Tribunal may follow Hyderabad Bench in this case also and stay the operation of transfer order till representation is disposed of.

3. Although, we are not inclined to interfere with the order of transfer, we are disposing of these applications with direction that in case the applicants, who have approached this Tribunal in the above mentioned OAs make representation within a week from today, then the respondents will dispose of the representation within a period of two weeks from the date of receipt of representation. Till the disposal of the representation, the respondents will maintain status-quo as on date so far as the applicants are concerned.

4. Subject to aforesaid direction, the OAs are summarily dismissed at admission stage. There shall be no order as to costs.

(M.P. SINGH)
MEMBER (A)

(BIRENDRA DIKSHIT)
VICE CHAIRMAN

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