

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

5.1.2009

OA 7/2009

Mr. Amit Mathur, counsel for applicant.

Heard learned counsel for the applicant. The OA stands disposed of, at admission stage itself, by a separate order.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 5th day of January, 2009

ORIGINAL APPLICATION NO.7/2009

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Kamal Mohan Mourya,
LDC,
Navodaya Vidyalaya Samiti,
Kherli, District Dausa.

... Applicant

(By Advocate : Shri Amit Mathur)

Versus

1. Commissioner,
Navodaya Vidyalaya Samiti,
Administrative Block,
I.G.Stadium,
New Delhi.
2. Deputy Commissioner,
Navodaya Vidyalaya Samiti,
Regional Office,
Jaipur.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying for the
following relief :

"The entire record pertaining to the matter may be called in and after perusing the same Original Application preferred by the applicant may kindly be allowed and the order Ann.A/1 dated 29.12.2008 may kindly be quashed and set aside. The respondents may be directed to give applicant three months time to give joining at Sonpat in view of order Ann.A/2 dated 8.12.2008."

2. Briefly stated, facts of the case are that the applicant while working as LDC, JNV-Kherli, District Dausa (Rajasthan),^{was} granted promotion to the post of UDC and on promotion posted at JNV-Butana, Distt. Sonapat (Haryana), vide order dated 8.12.2008 (Ann.A/2). It is specifically mentioned in the said order that the applicant is to be relieved immediately with direction to report at JNV-Butana, District Sonapat, on or before 29.12.2008 and in case of refusal he will be debarred from promotion for a period of one year from the date of refusal.

3. Grievance of the applicant is that in view of the difficulties, which he has highlighted in his representation dated 15.12.2008 (Ann.A/3), the date of joining on the promotional post be extended for three months. The respondents have considered the representation of the applicant and vide impugned order dated 29.12.2008 (Ann.A/1) the said representation has been rejected on the ground that at JNV-Butana the posts of Superintendent as well as UDC are vacant and as such applicant's request for extension of time for joining promotional post cannot be granted. However, he was directed to join on the promotional post upto 5.1.2009. It is this order which is under challenge in this OA.

4. We have heard learned counsel for the applicant at admission stage. We are of the view that no mandamus as prayed for by the applicant can be issued. We see no infirmity in the order dated 29.12.2008, whereby representation of the applicant was rejected and he was asked to join upto 5.1.2009 in view of the fact that posts of Superintendent and UDC are vacant. According to us, public interest must weight against individual interest. At this stage, learned counsel for the

applicant submits that he may be granted a further period of ten days to join the promotional post in view of the difficulty which the applicant is facing, as mentioned in Ann.A/3.

5. We have given due consideration to the submission made by learned counsel for the applicant. We are of the view that in case the applicant joins the promotional post by 16.1.2009, he shall be permitted to join and in that eventuality he will not be debarred from promotion in terms of the order dated 8.12.2008.

6. With these observations, the OA stands disposed of at admission stage itself with no order as to costs.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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