

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

Date: 12.7.2016

OA No. 291/00551/2016

Dr. Saughath Roy, Counsel for the applicant.

Matter relates to transfer in Navodaya Vidyalaya Samiti.

Heard.

Counsel for applicant submits that the applicant has been transferred from Jaipur to Jodhpur vide order dated 20.06.2016 (Ann.A/1) and his name is at Sl. No.118. Counsel for applicant submits that vide Ann.A/4 the applicant has given option for posting at Haridwar office but the same has not been considered. Counsel for applicant further submits that he is willing to go Haridwar because of his medical problem but at Jodhpur he will be handicapped because his wife is working in Jaipur and daughter is studying at Jaipur, therefore, he has given an application dated 27.06.2016 in this regard (Ann.A/5). Counsel for applicant further submits that the applicant is more than 57 years of age and may be retained at Jaipur(Paota) or transferred to Haridwar. Counsel for applicant further submits that he has not been relieved till today nor the respondent No.3 who has been posted in his place has joined also and also submits that individual orders have not been issued.

Considered the aforesaid contentions and perused the records.

As upheld by the Hon'ble Apex Court in a catena of judgments, Courts and Tribunals should not ordinarily interfere in the cases of transfer and posting unless there is proven malafide, violation of statutory provisions or the order is issued by an authority not

competent to do so which does not appear to be in this case. However, in view of the representation dated 27.06.2016 (Ann.A/5) submitted by the applicant but without going into the merit of the case lest it prejudice the case of either side, it is deemed appropriate to dispose of the OA at the admission stage itself with certain directions.

i) The applicant will submit a copy of this order along with a copy of the paper book of the OA before the respondents within a week from today.

ii) The respondents would consider the representation dated 27.06.2016 (Ann.A/5) already filed by the applicant mentioning various problems and decide the same within 15 days from the date of receipt of copy of this order (to be submitted by the applicant within the prescribed time as above).

iii) Till then the applicant may not be relieved if he has not already been relieved till today and no other incumbent has joined and no other officer is adversely affected.

In view of the limited relief being granted the requirement of issue of notices to the respondents is dispensed with.

With the aforesaid directions the OA is disposed of with no order as to costs.


(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER

Adm/