

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,**  
**JABALPUR**

**Original Application No. 437 of 2006**

**Jabalpur this the 6<sup>th</sup> day of July, 2006**

**Hon'ble, Mr. A.K. Gaur, Judicial Member**

**Roopram Yadav,  
Son of Shri Gondu Yadav,  
Aged about 35 years,  
Occupation-Mess Cook,  
Jawahar Navodaya Vidyalaya  
Charua, Distt. Harda (M.P)**

**Applicant**

**(By Advocate – Shri R.L.Gupta)**

**Versus**

- 1. Navodaya Vidyalaya Samiti  
Through Joint Commissioner (Personnel)  
A-28, Kailash Colony,  
New Delhi**
  
- 2. Deputy Commissioner,  
(Regional Office)  
Navodaya Vidyalaya Samiti  
Bhopal (MP)**
  
- 3. Principal,  
Jawahar Navodaya Vidyalaya  
Charua, Distt. Harda (MP)**

**Respondents**

**(By Advocate – Shri O.P. Namdeo)**

**O R D E R(Oral)**

**By Shri A.K. Gaur, Judicial Member :-**

**By means of this Original Application, the applicant has prayed to quash the impugned order dated 17.5.2006 (Annexure-A-1) passed by the respondent No.2 and further prayed that the respondents be directed to relieve the petitioner for joining at Vidisha in view of cancellation of his transfer order dated 27.1.2006 (Annexure-A-4).**

- 2. According to the applicant, he was posted at Navodaya Vidyalay Shamsabad, District Vidisha, he made a request for his transfer on his own request to district Harda. The representation of the**

*✓*

applicant was considered by the competent authority and he was transferred to Harda district vide order dated 24.11.2005 (Annexure-A-2). After joining at Harda, the applicant felt inconvenience and made a request on 3.1.2006 (Annexure-A-3) for cancelling his transfer. The transfer of the applicant was made on his own request basis vide order dated 24.11.2005 and was cancelled vide order dated 27.1.2006 by respondent No.1. It is urged on behalf of the applicant that despite the clear order passed by the respondent No.1 cancelling his transfer order, the respondent No.3 did not relieve the applicant. On the other hand, the respondent No.3 has passed an order dated 9.3.2006 (Annexure-A-5) by which, he is unnecessarily delaying the relieving of the applicant by saying that he has been directed by the respondent No.2 that till receiving the order from him, the applicant be not relieved. Against his non-relieving the applicant had filed OA No.202/2006 before this Tribunal and vide order dated 7.4.2006 this Tribunal has directed the respondent No.2 to consider and decide the representation of the applicant by passing a reasoned and speaking order. Immediately thereafter the applicant has submitted a representation to the respondents and after considering the case of the applicant, the respondent No.2 has rejected the request of the applicant vide order dated 17.5.2006 (Annexure-A-1).

3. I have heard the learned counsel for the applicant and respondents and perused the impugned order dated 17.5.2006. The operative portion of the order dated 17.5.2006 is being reproduced hereunder :-

“ The representation dt.24.4.2006 of Sh. Roopram Yadav, Cook, JNV, Harda (MP) has been carefully considered in accordance with the transfer policy of the Samiti and his request for relieving from JNV, Harda after availing the request transfer on his request for joining back again at JNV vidisha, cannot be acceded to. However, if Shri Yadav is still interested for his transfer from JNV Harda to vidisha, Samiti has no objection to consider his request during the ensuing Annual Transfer Drive of Non-Teaching Staff-2006 as per the transfer policy of the Samiti, if the applies for the same and fulfill all the conditions laid down as per the transfer policy of the samiti.”

sl

4. I have given my anxious thought to the controversy involved in the case. It is my considered view that the competent authority has rightly observed as above especially in view of the fact that the petitioner has already completed more than one month service at JNV, Harda. I do not find any good ground to interfere with the order dated 17.5.2006. Accordingly the OA is dismissed at the admission stage itself. However, the respondents are directed to consider the case of the applicant for transfer to Vidisha as per transfer policy of the Samiti, in the ensuing annual transfer drive in case if the petitioner prefers such a representation.

*Anil Gaur*  
(A.K. Gaur)  
Judicial Member

पूछांकन सं ओ/न्या..... जवलपुर, दि.....  
 परिलिपि अन्वेषिता:-

- (1) राधेय, गजनी नदी के नाम कार एवं देवी देवी, जवलपुर
- (2) आदेश के लिए लिपि, लु..... के काउंसल
- (3) प्रत्यक्षी ओ/शीरामी, लु..... के काउंसल
- (4) बंशपाल, लोपांग, अखलपुर एवं देवी देवी, सूचना एवं आवश्यक कार्यवाली है।

१००१११२१ उप रजिस्ट्रार

Issued  
NC  
11-7-06