

CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH

06. O.A No. 060/01032/2014

(Indira Sharma Vs. U.O.I)

**18.11.2014**

Present: Sh. R.K. Sharma, counsel for the applicant.

1. Heard.
2. Contends, inter-alia, that by ignoring the claim of the applicant to post her at Chandigarh, respondent no. 4 has been transferred to Jawahar Navodaya Vidyalaya, Chandigarh who has even less count of service at earlier station i.e. Shimla, thus action is illegal and not sustainable in terms of respondents own policy.
3. Issue **dasti** notice to the respondents returnable for 27.11.2014.

  
(UDAY KUMAR VARMA)  
MEMBER (A)

  
(SANJEEV KAUSHIK)  
MEMBER (J)

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Dasti notice  
issued on 19/11/14.  
Service report  
is awaited pl

By  
26/11

9.O.A. No. 060/01032/14

Indira Sharma Vs. U.O.I. & Others

27.11.2014

Present: Mr. R.K. Sharma, counsel for the applicant  
Mr. D.R. Sharma, counsel for the respondents No. 1 to 3  
Mr. Navneet Jindal, counsel for Resp. No. 4

1. Learned counsel for the respondents seeks and is granted 10 days' time for filing written statement.
2. List on 11.12.2014.

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(UDAY KUMAR VARMA)

MEMBER (A)

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(SANJEEV KAUSHIK)

MEMBER(J)

'mw' Reply not filed, pl

*Q*  
*8/12*

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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

**O.A.NO.060/01032/2014 Date of order:- 7.1.2016.**

**Coram: Hon'ble Mr. Uday Kumar Varma, Member (A).**

Indira Sharma w/o Dr. Madan Mohan Sharma, presently working as PGT(English), Jawahar Navodaya Vidyalaya, Fatehpur Rajputan, District Patiala (Punjab).

.....Applicant.

( By Advocate :- Mr. R.K.Sharma )

Versus

1. Navodaya Vidyalaya Samiti ( Ministry of Human Resource Development, Department of School Education & Literacy) (Government of India), B-15 Institutional Area, Sector 62, Noida through its Commissioner.
2. Deputy Commissioner, Navodaya Vidyalaya Samiti, (Ministry of Human Resource Development, Department of School Education & Literacy) (Government of India), Regional Office, Bay No.26-27, Sector 31-A, Chandigarh.
3. Principal, Jawahar Navodaya Vidyalaya, Sector 25(West), Chandigarh.
4. Smt. Rupali Sehgal, PGT(English), Jawahar Navodaya Vidyalaya, Theog, District Shimla ( H.P.)

Respondents

( By Advocate : Mr. D.R.Sharma for respondents no.1 to 3  
Mr. Naveen Jindal, for respondent no.4).

**ORDER (Oral).**

**Hon'ble Mr. Uday Kumar Varma, Member (A):**

When the matter came up for hearing, the learned counsel for respondent Navodaya Vidyalaya Samiti sought permission to place on record an order dated December 31, 2015/January 4, 2016 whereby the applicant Smt. Indira Sharma having the higher transfer count is hereby transferred to JNV Chandigarh and Smt. Rupali Sehgal, respondent no.4, stands transferred to JNV, Patiala. In the light of

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this order, it is the submission of the counsel for Navodaya Vidyalaya Samiti that the relief claimed by the applicant has since been satisfied.

2. The learned counsel for the applicant submitted that the applicant is satisfied with this order and does not wish to pursue her case any further. However, the learned counsel for respondent no.4 objected to the disposal of the present OA in this manner. It was his contention that since the matter is subjudice, the respondent Navodaya Vidyalaya Samiti could not have passed the above mentioned order by transferring the applicant to Chandigarh and respondent no.4 to Patiala. He tried to argue that such an order is detrimental to the interest of her client i.e. respondent no.4.

3. I find the objection of learned counsel for respondent no.4 mis-placed and not tenable. It does not stand to any logic or legal consideration that the respondent Navodaya Vidyalaya Samiti cannot settle the claim in favour of the applicant in terms of the prayer sought in the OA during the pendency of the OA. As far as this OA is concerned, the matter stands settled and the relief claimed by the applicant seems to have been accepted by the respondent Navodaya Vidyalaya Samiti, therefore, nothing remains in this OA, which should rightly be dismissed as having become infructuous.

4. However, respondent no.4 is at liberty to take recourse to the legal remedies available to her, in case she feels aggrieved by the order so passed.

**(UDAY KUMAR VARMA)**  
**MEMBER (A).**

Dated:- 7.1.2016.

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