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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/01049/2014 Decided on: 03.03.2015

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

M.C. Charles, aged 58 years S/o Late Sh. R.G. Charles, Assistant commissioner, Navodaya Vidyalaya Samiti, Regional Office, Bay No. 26-27, Sector 31-A, Chandigarh.

**.....Applicant
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 Commissisoner.
2. Commissioner, Navodaya Vidyalaya Samiti, Ministry of Human Resource Development, Department of School Education & Literacy) (Government of India), B-15, Institutional Area, Sector 62, Noida.
3. Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Bay No. 26-27, Sector 31-A, Chandigarh.
4. Sh. K.S. Guleria, Assistant Commissioner, Regional Office, Gate No. 2, Plot No. 149, Alkapuri, Bhopal, Madhya Pradesh.

....Respondents

Present: Mr. R.K. Sharma, counsel for the applicant
Mr. D.R. Sharma, counsel for the respondents No. 1 to 3
None for Resp. No. 4

Order (Oral)

By Hon'ble Mr. Sanjeev Kaushik, Member(J)

1. Challenge herein is to the order dated 12.11.2014 whereby the applicant has been transferred from Chandigarh to RO Bhopal and Respondent No. 4, who was working in RO Bhopal, has been transferred to Chandigarh.
2. Learned counsel for the applicant impugned the transfer order on the ground that the applicant never requested for his transfer to Bhopal whereas in the impugned order the respondents have mentioned that the transfer has been made on his request.
3. When the matter came up for preliminary hearing on 19.11.2014, this Court had ordered stay of the implementation of the impugned transfer order.
4. Respondent No. 4 was served through the official respondents. Learned counsel for the official respondents submitted that a copy of the notice was sent to Respondent No. 4 by Speed Post. However, he never appeared before this Court. Accordingly, he is proceeded against ex-parte.
5. The official respondents have filed written statement in which there is not even a whisper that the impugned transfer has been made on the request of the applicant herein. Learned counsel for

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the respondents has also failed to produce any document to controvert the contention of the learned counsel for the applicant that the applicant never requested for his transfer to Bhopal.

6. After hearing learned counsel for the parties and going through the pleadings on record, we are of the opinion that the impugned transfer order, which purports to have been made on request, is not sustainable being not based on correct facts but upon the conjectures and surmises. Accordingly, the impugned transfer order is quashed and set aside.
7. The O.A. stands allowed accordingly. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 03.03.2015

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