

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.342/2016

New Delhi, this is the 25th Day of May, 2016

Hon'ble Shri V. Ajay Kumar, Member(J)

Sh. S.S. Dandariyal
S/o Late Sh. R.B. Dandariyal
Aged about 45 years
Working as LDC, JNV
R/o Jawahar Navodaya Vidyalaya
village Shankerpur
P.O. Kaichiwala
Sahaspur, Distt. Dehradun
Uttarakhand

.... Applicant

(By advocate: Mr. Nilansh Gaur)

Versus

1. Navodaya Vidyalaya Samiti
Through its Commissioner
B-15, Institutional Area
Sector-62, Noida-201307 (UP)
2. Deputy Commissioner
Navodaya Vidyalaya Samiti
Regional Office
Lekhraj Panna Complex
3rd Floor, Sector-2
Vikas Nagar
Lucknow-226022
3. The Principal Jawahar Navodaya Vidyalaya
Village Shankerpur
P.O. Kaichiwala
Sahaspur, Distt. Dehradun
Uttarakhand

...Respondents

(By advocate: Mr. S. Rajappa)

ORDER (Oral)

Heard both sides.

2. The applicant, who is working as LDC in the Jawahar Navodaya Vidyalaya at Dehradun, filed the present OA aggrieved by the impugned order (Annexure A-1) dated 22.06.2015 in transferring him to Jawahar Navodaya Vidyalaya, Hardoi. Though, there was no stay of the impugned order from this Tribunal, the applicant admittedly not joined at the place of posting till date. However, learned counsel for the applicant submits that the applicant is a cancer patient and taking regular treatment at Himalayan Hospital, Dehradun and that the medical condition of the applicant is very serious and several times he was admitted in the said hospital. Though medical facilities are available at Lucknow, but the applicant could not comply with the orders of the respondents, as he is taking regular treatment at Dehradun and accustomed to the said hospital and its doctors. Learned counsel further submits that in these circumstances and keeping in view the health condition of the applicant, respondents may be directed to consider the applicant's request to post him to any place near to Dehradun.

3. Shri S. Rajappa, learned counsel for the respondents submits that the applicant admittedly not joined at the place of posting and not complied the orders of the respondents, vide Annexure A-1 dated 22.06.2015. Hence, after joining at Hardoi,

the applicant may make any representation indicating his health condition and other grounds to the respondents, the respondents will consider the same as per Rules.

4. Accordingly, the OA is disposed of directing the applicant to join at JNV, Hardoi in terms of impugned order dated 22.06.2015 (Annexure A-1) within two weeks from today and after joining as such, the applicant may make appropriate representation to the respondent and on receipt of the same, the respondents shall consider the same sympathetically in accordance with law, within four weeks there from. No costs.

Issue **dasti** to both the parties.

(V. Ajay Kumar)
Member(J)

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