

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.1436/2016

this the 25th day of May, 2016

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

Manju Ahlawat, Age 29 years
Designation TGT (Maths)
W/o Shri Jitender Singh Ahlawat
R/o WZ-B-19, Bhagwati Garden
Uttam Nagar
New Delhi – 59.

.... Applicant

(By Advocate: Shri Yudhvir Singh)

VERSUS

1. Union of India
Through Secretary Ministry of Human Resource and Development
Shastri Bhawan
New Delhi – 110 001.
 2. Navodaya Vidyalaya Samiti
Through its Commissioner
B-15, Sector-62
Noida, Uttar Pradesh.
 3. Deputy Commissioner
Navodaya Vidyalaya Samiti
R.O. Jaipur, 18, Sangram Colony
Mahaveer Marg, C-Scheme
Jaipur – 302 001.
 4. Jawahar Navodaya Vidyalaya
Through its Principal
Mungeshpur, New Delhi – 110 039.
 5. Nardev Singh
TGT (Maths)
JNV, Chandel
Manipur .
- Respondents.

(By Advocate: Shri S. Rajappa
Shri Ramesh Shukla for Shri Amit Kumar for R-1)

ORDER (ORAL)

Heard both sides.

2. The OA is taken up for hearing, as agreed by the learned counsel for the parties.

3. The applicant, who is working as TGT (Maths) aggrieved by the impugned Annexure A-1 Transfer Order dated 07.01.2016 whereby she was transferred from Jawahar Navodaya Vidyalaya (JNV), Mungeshpur Delhi to JNV Baran at Rajasthan.

4. It is the case of the applicant that while she was posted at Baran (Rajasthan) in the year, 2012, on her request the respondents transferred her from Jawahar Navodaya Vidyalay, JNV, Atru District, Baran (Rajasthan) to JNV, Mungeshpur, Delhi on 15.07.2015. However, even before she completed one year, she was again transferred back to JNV, Baran (Rajasthan) vide the impugned order dated 07.01.2016 illegally and against the transfer policy of the respondent Samiti.

5. This Tribunal vide order dated 11.05.2016 by recording that although the applicant was relieved by the impugned order dated 07.01.2016 but as the applicant's representation was not decided, directed the respondents to continue the applicant at Delhi till they decide her representation.

6. Today, the learned counsel for the applicant submits that, in fact, the representation of the applicant was already disposed of by rejecting her case. However, it was without giving any reasons why his request to post her at Rewari, Kurukshetra or Bhiwani, where vacancies are existing cannot be considered.

7. However, Shri S. Rajappa, learned counsel appearing for the respondents submits that though the applicant was transferred from JNV, Baran (Rajasthan) to JNV, Delhi by order dated 15.07.2015, however in order to comply with the orders of this Tribunal at Guwahati in OA No.040/00315/2015 in respect of 5th respondent (Shri Nardev Singh), they are required to cancel the said order to post her back in Baran (Rajasthan) as she was having the lowest transfer count amongst the four TGTs.

8. The learned counsel further submits that if the applicant joins at Baran (Rajasthan) and makes any representation by giving her places of choice the applicant's case may be considered in any existing vacancy or any future vacancy, as per rules.

9. It is not in dispute that the 5th respondent, who was transferred in place of the applicant by the impugned Annexure A-1 dated 07.01.2016 has not yet joined though th0.

e applicant was relieved from her place.

10. In the circumstances, the OA is disposed of by directing the respondents to continue the applicant at Delhi till the 5th respondent joins at her place and if the 5th respondent joins at Delhi, the applicant shall comply with Annexure A-1 order dated 07.01.2016 and join at JNV Baran at Rajasthan. After joining at Baran, the applicant is at liberty to make an appropriate representation by giving her choice places of posting and on receipt of the said representation, the respondents shall consider the same, in accordance with Rules. The break period, if any, shall be teated as leave, as per Rules. No costs.

(V. AJAY KUMAR)
Member (J)

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