

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.2548/2017

Monday, this the 31st day of July 2017

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Dr. D S Shankar
s/o Shri Shivalingappa
aged about 46 years
Assistant Professor (Group-A)
CIET, NCERT
r/o IV/16, NCERT
Staff Quarters Nasirpur
Dwarka, Sector 1-A
New Delhi – 46

..Applicant

(Mr. J A Choudhary, Advocate)

Versus

1. Director
National Council of Educational
Research & Training (NCERT)
Sri Aurobindo Marg
New Delhi – 16
2. Joint Director
Central Institute of Education
Technology (CIET) NCERT
Sri Aurobindo Marg
New Delhi – 16
3. Deputy Secretary / Secretary
(NCERT) Sri Aurobindo Marg
New Delhi – 16

..Respondents

O R D E R (ORAL)

Justice Permod Kohli:

This O.A. has been filed challenging the order dated 25.04.2017 (Annexure A-1) whereby the applicant, who was working as Assistant Professor in Zoology, Central Institute of Education Technology (CIET),

was transferred from CIET, NIE to North Eastern Regional Institute of Education (NERIE), Shillong, with immediate effect. He was also relieved by the same order. The applicant filed O.A. No.1512/2017 challenging the aforesaid order before this Tribunal. The said O.A. was disposed of vide order dated 12.05.2017 with the following directions / observations:-

“7. In view of the foregoing paras, we do not find any merit in this OA and dismiss it at the admission stage itself. The applicant must obey the transfer order. However, he is given liberty to make a detailed representation to the Competent Authority for re-consideration of his transfer after joining at the transferred place in terms of the ratio of law laid down by the Hon’ble Supreme Court in S.C. Saxena (supra).”

2. Consequent upon the directions, the applicant made a detailed representation dated 04.07.2017 (Annexure A-13), wherein he has also referred to earlier emails sent by him. The respondents have not taken any decision thereon till date in accordance with the observations / directions of the Tribunal passed in O.A. No.1512/2017. It is under these circumstances this fresh O.A. has been filed by the applicant.

3. In view of the earlier directions passed by the Tribunal, the respondents are under an obligation to take immediate decision on the representation of the applicant. That having not been done, it may not be appropriate to interfere in the transfer order at this stage. However, this O.A. is disposed of with the following directions:-

Respondent No.1 is directed to examine the representation dated 04.07.2017 of the applicant, including the emails sent by him, and take decision thereon by passing a reasoned and speaking order,

within a period of two months from the date of receipt of a copy of
this order

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

July 31, 2017
/sunil/