

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No.180/00207/2018

Tuesday, this the 5th day of June, 2018

C O R A M :

**HON'BLE Mr. U. SARATHCHANDRAN, JUDICIAL MEMBER
HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

Sulabha Kumari R,
W/o.C.Selvin Kumar,
Trained Graduate Teacher (English),
Jawahar Navodaya Vidyalaya, Gulbarga II.
Presently residing at YMCA Marthandam Quarters,
Vettuvenni, Marthandam, Kanyakumari Dist. - 629 165.Applicant

(By Advocate – Mr.C.A.Majeed)

V e r s u s

1. Union of India represented by Secretary,
Ministry of Human Resource Development,
New Delhi – 110 001.
2. The Commissioner,
Navodaya Vidyalaya Samiti,
B-15, Institutional Area,
Sector 62, Noida, Gautam Budh Nagar,
Uttar Pradesh – 201 309.
3. The Deputy Commissioner,
Navodaya Vidyalaya Samiti,
Ranga Reddy, Telangana – 500 107.
4. The Principal,
Jawahar Navodaya Vidyalaya,
Gulbarga District (Kalaburagi),
Korwar, Karnataka – 585 312.
5. Vijayan P,
Trained Graduate Teacher (English),
Jawahar Navodaya Vidyalaya,
Pathanamthitta – 686 511.Respondents

**(By Advocates – Mr.N.Anilkumar,Sr.PCGC[R] [R1]
& Mr.Millu Dandapani [R2-4])**

This Original Application having been heard on 31st May 2018, the Tribunal on 5th June 2018 delivered the following :

ORDER

HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

This is the third round of litigation at the instance of the applicant. She is a TGT English Teacher who had joined the respondent institution on 7.11.2001. While working at JNV, Trivandrum she was transferred to JNV, Gulbarga during the Annual Transfer Drive 2016. She filed O.A.No.180/648/2016 before this Bench of the Tribunal seeking a posting at JNV, Idukki against a vacant post and obtained orders of this Tribunal directing the respondents to consider her representation. While her representation was being considered, she was temporarily attached to JNV, Idukki while an exercise was undertaken to see who among the aspirants was to be given the posting at JNV, Idukki. Upon posting a regular hand Smt.Bindu.I as TGT English at JNV, Idukki the applicant was relieved and asked to join at JNV, Gulbarga II. The applicant again approached this Tribunal by way of O.A.No.180/424/2017 seeking a direction to retain her at JNV, Idukki. The transfer of Smt.Bindu, TGT English from JNV, Jhalwar to JNV, Idukki was ordered on the ground that she had better claims than the applicant for the transfer. Thus the direction in O.A.No.180/424/2017 was complied with.

2. The applicant again filed O.A.No.180/835/2017 before this Tribunal against her transfer order to Gulbarga dated 16.10.2017. The O.A was disposed of without admitting the same directing the applicant to move a

request for accommodating her in any of the JNVs in Kerala where there is a vacancy. In accordance with this direction the applicant's representation was considered and dismissed without any relief by Respondent No.2 vide Annexure A-11 order. She was relieved from JNV, Idukki on 17.10.2017 and directed to join at JNV, Gulbarga. She joined at the new station on 11.12.2017 and has now approached this Tribunal again seeking a direction to the respondents to consider her to any one of the JNVs in Kerala.

3. A reply statement was filed by Respondent Nos.2-4 raising preliminary objection of lack of jurisdiction as the applicant's new station is situated in Kalaburagi in Karnataka State and she is working therein.

4. On 31.5.2018 when the case was called the preliminary issue relating to jurisdiction was considered. Smt. Molty Majeed, learned counsel for the applicant submitted that the applicant had been pursuing the case for a transfer to any of the JNVs in Kerala for the last couple of years. For this purpose she had approached this Tribunal on more than one occasion. The respondents have taken an unhelpful attitude so far as the request is considered and has now shifted her to out of the State. She has two children living in Kerala State and hence may be deemed as coming within the jurisdiction of this Tribunal.

5. On the other hand, Standing counsel for the Respondent Nos.2-4 strongly disagreed with the contentions raised by the applicant. While admitting that she was once employed within the State of Kerala, it was

emphasized that she had, since November, 2017, been employed in Karnataka. Thus she cannot be said to be coming within the jurisdiction of this Tribunal.

6. The C.A.T., Ernakulam Bench has by notification been given jurisdiction over the State of Kerala and Lakshadweep. Admittedly, the applicant had been employed in the institutions under the Respondent No.2 previously. At that time she had also agitated her grievances before this Tribunal. However, it is seen that with the disposal of her representation permitted by the order of this Tribunal in O.A.No.180/835/2017 nothing remains for this Tribunal to pursue in the case as the applicant in the meanwhile had been shifted to Gulbarga which is outside the jurisdiction of this Bench. She is proposing to agitate her case for a transfer back to Kerala but this would not bring her case within the jurisdiction of this Bench as also the contention that she has relatives living in the State. Rule 6 of the CAT (Procedure) Rules, 1987 has following proviso regarding jurisdiction :

6. Place of filing application – (1) An application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction -

- (i) the applicant is posted for the time being, or
- (ii) the cause of action, wholly or in part, has arisen.

7. In the light of the above the O.A is dismissed for want of jurisdiction. No costs.

(Dated this the 5th day of June 2018)

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER
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(U.SARATHCHANDRAN)
JUDICIAL MEMBER

List of Annexures in O.A.No.180/00207/2018

- 1. Annexure A-1** – A photocopy of the order dated 28.7.2016 of this Hon'ble Tribunal in O.A.No.648/2016.
- 2. Annexure A-2** – A photocopy of the order F.No.2-18/(TGT-English)/2015-NVS-(Estt)9311 of the 2nd respondent dated 18.8.2016.
- 3. Annexure A-3** – A photocopy of the final order dated 22.12.2016 in O.A.No.648/2016 of this Hon'ble Tribunal.
- 4. Annexure A-4** – A photocopy of the order F.No.1-4/NVS(HR)/Estt.II/2017 dated 9.2.2017 issued by the 3rd respondent.
- 5. Annexure A-5** – A photocopy of the discharge summary dated 20.2.2017 evidencing the medical condition of the applicant.
- 6. Annexure A-6** – A photocopy of the final order dated 5.6.2017 in O.A.No.424/2017 of this Hon'ble Tribunal.
- 7. Annexure A-7** – A photocopy of the order No.F:11-50/2016-NVS(Estt.II)/11512 dated 5.10.2017 issued by the 2nd respondent.
- 8. Annexure A-8** – A photocopy of the order F.No.1-4/NVS(HR)/(Estt.II)/2017 dated 12.10.2017 issued by the 3rd respondent.
- 9. Annexure A-9** – A photocopy of relieving order F.No.III-5/JNVI/2017-18/493 dated 17.10.2017 from JNV Idukki.
- 10. Annexure A-10** – A photocopy of the final order dated 17.10.2017 in O.A.No.835/2017 of this Hon'ble Tribunal.
- 11. Annexure A-11** – A photocopy of the order F.No.11-50/2016-NVS-(Estt-II)16660 dated 2.11.2017 issued by the 2nd respondent.
- 12. Annexure A-12** – A photocopy of the representation dated 29.11.2017 submitted by the 5th respondent to the 2nd respondent.
- 13. Annexure A-13** – A photocopy of the records showing deemed vacancy at JNV Kozhikode.
- 14. Annexure A-14** – A photocopy of the newspaper advertisement inviting applications from temporary hands.
- 15. Annexure A-15** – A photocopy of the joining report F.No.2-2/JNV-2(GLB)/2017-18 of the applicant at the 4th respondent school.
- 16. Annexure A-16** – A photocopy of the sanction letter F.No.2-2/JNV-2(KLB)/2017-18 of Child Care Leave of the applicant.
