

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO. 180/000911/2017

Thursday, this the 26th day of July, 2018

CORAM

**HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE MR.ASHISH KALIA, JUDICIAL MEMBER**

Sunil P.Xavier
TGT Mathematics, Jawahar Navodaya Vidyalaya
Periye, Kasargode-671 316
Residing at Jawahar Navodaya Vidyalaya Quarters
Periye, Kasaragode-671 316 ... **Applicant**

[By Advocate Mr.Ajith Mohan M.J]

V.

1. The Commissioner
Navodaya Vidyalaya Samiti
Department of School Education & Literacy
Government of India, B I5, Institutional Area
Sector 62, Noida, Budh Nagar,
Uttar Pradesh-201 309
2. The Deputy Commissioner (Pers)
Navodaya Vidyalaya Samiti (Hyderabad Region)
Ministry of Human Resource & Development
1-1-10/3, Sardar Patel Road, Secunderabad – 500 003
3. Suresh Babu.E
TGT Mathematics, Jawahar Navodaya Vidyalaya
Dakshina Kannada, Mudipu, Kurnadu Post, Bantwal Taluk
Balepuni, Karnataka-571 153

... **Respondents**

(By Advocate Mr.Millu Dandapani for R 1&2 and Dr.K.P.Pradeep for R-3)

This application having been finally heard on 26.7.2018, the Tribunal on the same day delivered the following in the open court.

ORDER (ORAL)

Per: MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

Heard Shri.Vishnu S Chempazhanthiyil representing Mr.Ajith Mohan.M.J, learned counsel for the applicant and Mr.Millu Dandapani, learned counsel for the respondents.

2. Shri.Sunil P.Xavier is the applicant in this Original Application who had earlier filed O.A 180/769/2017 which had been permitted to be withdrawn. He had applied for a favourable posting to a station of his choice during the annual transfer of the year 2017-2018, but the same was denied.

3. Shri.Vishnu.S.Chempazhanthiyil representing Mr.Ajith Mohan.M.J, learned counsel for the applicant submits that applicant will be satisfied if a direction is issued to respondent no.1 to consider a representation which the applicant proposes to file seeking transfer to his choice station.

4. At this point, we feel that the Original Application can be disposed of by directing the applicant to file a comprehensive representation before respondent no.1 within 15 days from the date of receipt of a copy of this order. On receipt of such representation, respondent no.1 shall suitably consider the same in accordance with the transfer policy guidelines, keeping in view the personal difficulties as expressed by the applicant and take an expeditious decision on the representation. The circumstances under which the applicant had to suffer two transfers in the last one year may also be taken into account by respondent no.1 when he takes a final decision on the representation.

5. The Original Application stands disposed of with these directions . No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures

Annexure A-1 - True copy of notification No.F.No.2/18/2015 – NVS (Ettt.II)/6193 dated 25.4.2017 issued by the first respondent

Annexure A-2 - True copy of application submitted by the applicant

Annexure A-3 - True copy of First Round Transfer List of TGT Mathematics as published in the web site of NVS (relevant portion)

Annexure A-4 - True copy of application submitted by the applicant for the second round of transfer

Annexure A-5 - True copy of the final transfer list published by the JNV in the web site on 17.8.2017.

Annexure A-6 - True copy of representation dated 4.9.2017 submitted by the applicant to the 1st respondent

Annexure A-7 - True copy of representation dated 12.9.2017 submitted by the applicant to the 2nd respondent

Annexure A-8 - True copy of the communication No.F.No.1-4/NVS(HR)/Ettt.II/2017 dated 6.9.2017 issued by the NVS

Annexure A-9 - True copy of the communication No.1-4/NVS(HR)/Ettt.II/2017/2309 dated 29.9.2017 issued by the 2nd respondent

Annexure A-10 - True copy of the Office Order No.F.No.4 (Admn)/JNVN/2017-2018/537 dated 30.9.2017 issued by the Principal, JNV Ernakulam

Annexure A-11 - True copy of the interim order passed by the Bangalore Bench of the Tribunal in O.A No.512/2017

Annexure A-12 - True copy of notice issued for appearance before the

Hon'ble Bangalore Bench on 22.11.2017

Annexure A-13 - True copy of communication No.F-35/2017-NVS-
(Estd.II) 16661 dated 2.11.2017 by the 1st respondent

Annexure A-14 - True copy of the application submitted by the 3rd
respondent

Annexure A-15 - True copy of Transfer Policy in force in NVS

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