

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00098/2018

DATED THIS THE 24TH DAY OF JULY, 2018

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

Mrs.Lincy Mathew, 40 years,
W/o Mr.Jojo Mathew,
Working as Staff Nurse,
Jawahar Navodaya Vidyalaya (JNV),
Hothpet, Shahapur,
Yadgiri District: 585287
Residing at JNV Campus,
Yadgiri: 585287.Applicant

(By Shri PA.Kulkarni..... Advocate)

Vs.

1.Union of India
to be represented by its Secretary,
Ministry of Human Resources Development
(Department of School Education and Literacy),
Government of India,
North Block, New Delhi: 110 001.

2.The Commissioner
Navodaya Vidyalaya Samiti,
B 15, Institutional Area, Sector 62,
NOIDA: 201307
District Gautam Budh Nagar, (U.P.)

3.The Deputy Commissioner
Navodaya Vidyalaya Samiti,
Hyderabad Region,
N.L.I Buildings, Nalagandla Road,
Post & Village:Gopanpally,
Rangareddy District,
Hyderabad: 500 107,
Telangana State.

4.The Principal,
Jawahar Navodaya Vidyalaya (JNV),
Hothpet, Shahapur,
Yadgiri District: 585287.Respondents.

(By Shri M.Rajakumar, ACGSC)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

1. Heard. The applicant submits that she was first posted to Arunachal Pradesh and after completing her posting there she was entitled to choice of posting and she could have been posted to Kerala of her choice. But, in stead of doing so, she was posted to Karnataka and she has completed 10 years of service in Karnataka . Now, there is a post vacant in Mahe. But, the Principal is before us and he would submit that one Ms.Lalitha Benze, the regular incumbent of the post is continually unwell as seen in the medical certificates available in the file. But, unfortunately these medical certificates are of different nature from each other. In the fitness certificates, the Doctors have only said as temporarily fit to join. Therefore, we queried the respondents as to why they are not giving her long leave as particularly expecting that she may not come back. The Principal had appointed a contract nurse at that position and she is also now continuing. He would say that Ms.Lalitha Benze would come once in a while and join for a day and on that day she is unable to do proper duty. She will go back on leave again.

2. At this point of time, a proposal has been put up by the Principal for declaring this as a permanent vacancy and by this time Ms.Lalitha Benze has given an application for voluntary retirement also which is pending consideration. That being the situation there would not be any obstacle for applicant being posted to that vacancy which is now available after the contract employee is terminated. In the said circumstance, there will be an order to the respondents to terminate the contract employee and appoint the applicant in that post, within one month next.

3. OA is, allowed . No order as to costs.

(DINESH SHARMA)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No.98/2018

Annexure-A1 -NVS transfer policy notification dated 4.4.2012
Annexure-A2 - Communication dated 20.11.2013 from Hyderabad Region to Headquarters
Annexure-A3 - Applicant's application dated 8.5.2017 relating to transfer drive 2017-18
Annexure-A4 - Copy of the representation dated 11.10.2017
Annexure-A5 -Copy of the letter dated 3.8.2017 from JNV Yadgiri to Regional Office Hyderabad.
Annexure-A6 -Copy of the round-1 transfer list of Staff Nurse under annual transfer driver 2017-18 notified on official website on 12.2.2018.

