

OA.No.170/00385/2018/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00385/2018

DATED THIS THE 12<sup>TH</sup> DAY OF JUNE, 2018

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

**HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)**

Sri Pandappa H, 52 years,  
S/o Sri Hanumanthappa,  
Occn: Trained Graduate Teacher (Kannada),  
Jawahar Navodaya Vidyalaya (JNV),  
Doddaballapur,  
Bengaluru Rural District: 561 203,  
(under orders of transfer to JNV Hoshangabad, M.P. State)  
Residing at JNV Quarters,  
Doddaballapur: 562 163

...Applicant

(By Advocate Shri P.A. Kulkarni)

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 Samithi,  
B 15, Institutional Area, Sector 62,  
Noida: 201 307  
District Gautam Budh Nagar, (U.P.)

3. The Deputy Commissioner  
Navodaya Vidyalaya Samithi,  
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),  
Arehalli Guddadahalli,  
Doddaballapur,  
Bengaluru Rural District: 561 203.

5. Sri Raju Mahadev Shiragur,  
S/o Mahadev Shiragur,  
TGT Kannada,  
Jawahar Navodaya Vidyalaya  
Kanpur Nagar, Sarsaul District,  
Uttar Pradesh 209402.

...Respondents

(By Shri. M. Rajakumar, Counsel for the Respondents)

### O R D E R (ORAL)

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

We heard both the counsels. Both counsels are agreeable that if the matter is remitted back to the respondents they will consider whether there are other persons also who are Kannada teachers who have not gone for rotational transfer at all. If their continuation at the present station is for any other significant reasons, then they need not go for rotational transfer but otherwise we also feel that fairness can be achieved only when all are treated alike. As

the applicant has already served in JNV, Hoshangabad in Madhya Pradesh from 2006-2011 if there are no person equivalent to him then respondents need to re-modulate their stand. Shri M. Rajakumar, learned counsel for the respondents, submits that if the matter is remitted back to them they will reconsider it. At this point of time, Shri M. Rajakumar submits that the 5<sup>th</sup> respondent is waiting for the posting as the applicant is here. Since he had waited till now, he can wait for one more month. Let the respondents take a decision one way or another within one month and pass appropriate order. If the order is against him, the applicant is at liberty to challenge it. We grant him that liberty. But then it has to be remembered that there is no stipulation that a person can be posted outside only once. At this point of time from the bar there is a suggestion that for North-east it can only be once. For extreme station it may be so, but then the respondents will ensure fairness is given to everybody equivalently.

2. The OA is disposed of as above. No order as to costs.

(PRASANNA KUMAR PRADHAN)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

**Annexures referred to by the applicants in OA No. 170/00385/2018**

Annexure A1 Copy of the 2012 NVS transfer policy notified on 04.04.2012

Annexure A2 Copy of the transfer guidelines notification dated 22.12.2015

Annexure A3 Copy of the transfer guidelines 2018 notified on 02.04.2018

Annexure A4 Copy of the table showing the creation of posts for 2017-18 in respect of Hyderabad region

Annexure A5 Copy of the Final Transfer List of NVS

Annexure A6 Copy of the representation dated 08.05.2017

Annexure A7 Copy of the representation dated 31.05.2017

Annexure A8 Copy of the representation dated 04.01.2018

Annexure A9 Copy of the representation dated 08.01.2018

Annexure A10 Copy of the representation dated 02.02.2018

Annexure A11 Copy of the NVS Headquarters notification dated 06.04.2018

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