

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
**OA No.060/00412/2018 &
MA No.060/00830/2018 &
MA No.060/00621/2018 &
MA No.060/00828/2018 &
MA No.060/01100/2018 &
MA No.060/01070/2018**

Chandigarh, this the 3rd day of August, 2018

...
**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

Shiv Narain, aged 55 years, S/o Late Shri Phulla Ram, working as Personal Assistant, Group-C, O/o Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Bay No.26-27, Sector 31-A, Chandigarh, R/o H.No.3335, Sector 32-D, Chandigarh.

....APPLICANT

(Present: Mr. R.K. Sharma, Advocate)

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Human Resource Development, Department of School Education & Literacy, Shashtri Bhawan, New Delhi 110001.
2. Navodaya Vidyalaya Samiti (Ministry of Human Resource Development, Department of School Education & Literacy) (Government of India), B-15, Institutional Area, Sector 62, Noida through its Commissioner.
3. Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Bay No.26-27, Sector 31-A, Chandigarh.
4. Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, 3rd Floor, Lekhraj Panna Market, Sector 2, Vikas Nagar, Lucknow.
5. Shri Mohan Lal Gaba, presently working as Personal Assistant, O/o Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Bay No.26-27, Sector 31-A, Chandigarh.

....RESPONDENTS

(Present: Mr. Ram Lal Gupta, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. By means of the present Original Application (OA) filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant is impugning the order of transfer dated 19.09.2017 (Annexure A-1), where he has been transferred from NVS, Regional Office, Chandigarh to NVS, Regional Office, Lucknow.

2. At the first instance, the applicant was granted interim protection on 10.04.2018 by staying his transfer. Subsequent to that the respondents have filed a reply and have also moved a Miscellaneous Application (MA) for non extension of order dated 10.04.2018, which when we expressed reservations that due to limited scope, came up for hearing today.

3. We are not inclined to interfere with the order of transfer, learned counsel for the applicant submitted that because of his family circumstances, the applicant cannot move out and he may be given a liberty to make a representation, after joining at Lucknow for his transfer back to Chandigarh, which may be ordered to be decided, within some reasonable period by the respondents, and it may also be directed that without biasness in mind, comprehensive plea be considered in a positive manner.

4. Learned counsel for the respondents did not object that after joining the applicant at new place, he can make a representation before the competent authority and he shall consider the same, objectively.

5. Learned counsel for the applicant submitted that respondents be directed to grant leave to the applicant till 6th September, 2018, after joining there, because the applicant has some personal problems.

6. Considering the above, it would be in the fitness of things to direct the respondents to consider his application and grant him leave if available to him and they may also consider his representation sympathetically for posting him against vacant post in Chandigarh, as there is nothing against the applicant, and prayer is not objected to by the respondents for disposal of OA in the above terms. Therefore, if the applicant submits a representation, then the same shall be considered and decided expeditiously, within a period of three weeks, from the date of receipt of a certified copy of this order, qua posting as well as leave, in above terms.

7. The OA stands disposed of accordingly.

8. Consequently, MAs are also stand disposed of.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 03.08.2018.

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