

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/122/2018

Date of Order: 27.02.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

V.S. Kartikeyan

-vs-

Navodaya Vidyalaya Samity

For the Applicant : Mr. S. Roy, Counsel

For the Respondents : Mr. K. Roy, Counsel

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

Heard Mr. S. Roy, Id. Counsel for applicant and Mr. K. Roy, Id. Counsel for respondents.

2. The applicant has approached before this Tribunal under Section 19 of the AT Act, 1985, seeking the following reliefs:

“8(a) An order directing the respondent authorities more particularly respondent no. 2 and 3 and/or their men and agents to consider the application dated December 21, 2017 and the reminder dated January 8, 2018 of the applicant forwarded to the concerned respondent authority for transfer as TGT (Science) from Jawahar Navodaya Vidyalaya Phodong- North Sikkim to Jawahar Navodaya Vidyalaya, Kalaburagi – I, Karnataka on completion of mandatory tenure of three years NER/hard/very difficult terrain;

(b) An order thereby directing the respondent authorities and/or their men and agents to give appointment to the applicant as TGT(Science) of Jawahar Navodaya Vidyalaya, Kalaburagi-I or Jawahar Navodaya Vidyalaya, Koppal on the date fixed by the Hon'ble Tribunal thereby following the guidelines of the Transfer Policy of Navodaya Vidyalaya Samiti;

(c) An order of injunction thereby restraining the respondent authorities from giving appointment or filling up the post of TGT (Science) in Jawahar Navodaya Vidyalaya, Kalaburagi-I, Karnataka until the final outcome of this present application.

(d) An order directing the respondent authorities, its men and agents, subordinates to produce the entire records of the instant case before this Hon'ble Tribunal so that the consonable justice may be administered;

(e) An interim order thereby staying the appointment of the post of TGT(Science) in Jawahar Navodaya Vidyalaya, Kalaburagi-I, till disposal of this present application;

(f) An interim order thereby directing the respondent authorities and/or their men and agents not to give any further appointment to the post of TGT(Science) in Jawahar Navodaya Vidyalaya, Kalaburagi-I, Karnataka unless the application of the applicant herein is considered for the aforesaid post, or till the pendency of the instant preceeding;

(g) And/or pass such other or further order or orders as your Lordship may deem fit and proper"

3. It is seen from the records that the applicant approached before the authority just 2 months back and without waiting for the decision of the respondent authority the applicant had approached before this Tribunal.

4. In our view, under Rule 20(b) it is not a fit case to entertain the matter. Rule 20(b) says as under:

“ 20(b) where no final order has been by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.”

5. Accordingly, the OA is dismissed as being pre-matured.

(Dr. Nandita Chatterjee)

Member (A)

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(Manjula Das)

Member (J)

