

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.063/01038/2018

Chandigarh, this the 31st day of August, 2018

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

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Akhilesh Chhabra s/o Sh. Bishan Dass, Age 41 years, TGT Mathematics, JNV Jalandhar village and P.O. Bahadpur, Tehsil Indora, Distt. Kangra, Himachal Pradesh – 176058.

....Applicant

(Present: Mr. Rohit Seth, Advocate)

Versus

1. Union of India, through Secretary, Ministry of Human Resources Development, A-28, Kailash Colony, New Delhi - 110001.
2. The Commissioner, Navodaya Vidyalaya Samiti, head Quarter, B-15, Institutional Area, Sector 62, Noida, District Gautam Budh Nagar, Uttar Pradesh – 201309.
3. Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Bay No. 26-27, Sector 31-A, Chandigarh – 160030.
4. Principal Jawahar Navodaya Vidyalaya, Talwandi Madho, Jalandhar, Punjab – 144626.
5. Munish Tank, TGT Mathematics, Jawahar Navodaya Vidyalaya, Mouli PO Barwala Distt. Panchkula – 134204.

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Respondents

(Present: Mr. Ram Lal Gupta, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The present O.A. has been directed against the order dated 13.08.2018 (Annexure A-1), whereby the applicant has been transferred from Jalandhar to Bathinda.
2. Heard.
3. Learned counsel for the applicant submitted that the impugned transfer order is in violation of Article 14 of the Constitution of India, as the applicant has been discriminated against by the respondents. He explained that the other persons, who have been transferred, vide impugned order, were granted two

opportunities to give the names of their choice stations, however, the applicant has not been granted even a single opportunity for the purpose. His name was nowhere in the earlier two lists containing proposed transfers of the employees, however, it reflected only in the final list for transfer, and, thus, he has been deprived of opportunities granted to other employees for giving the names of their choice stations, as per the relevant transfer policy. On the aforesaid grounds, he has sought quashing of the impugned order.

4. Learned counsel submitted that before approaching this Court, the applicant submitted a representation dated 17.08.2018 (Annexure A-6), wherein also he raised the same issues, as in this O.A, but that has not been answered till date. He makes a statement that the applicant would be satisfied if a direction is issued to the respondents to take a call on his representation, as per the relevant transfer policy and in accordance with law.

5. Notice.

6. Mr. Ram Lal Gupta, Advocate, appeared and accepted notice on their behalf. He did not object to the disposal of the O.A., in the above terms.

7. In view of the above noticed facts, and the agreement between the learned counsel for the parties, the O.A. is disposed of, with a direction to the respondents, to consider and decide the indicated representation (Annexure A-6) in accordance with relevant transfer policy and law on the subject, within a period of two weeks from the date of receipt of a copy of this order. The order so passed be communicated to the applicant. Till then, the respondents are

restrained from relieving the applicant from the present place of posting.

8. Needless to say, the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.

9. A copy of this order be made available to the learned counsel for the respondents.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 31.08.2018

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