

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/001509/2018

DATED THIS THE 30TH DAY OF OCTOBER, 2018

HON'BLE DR.K.B.SURESH ...MEMBER(J)
HON'BLE SHRI DINESH SHARMA ...MEMBER(A)

Mrs. Jacintha D Souza,
District Youth Coordinator,
Nehru Yuva Kendra Sangathan,
Aged about 58 years,
R/o Emerald Galaxy, Above MCC Bank,
First floor, Kalpane Kulshekar,
Mangalore-575005. ...Applicant

(By Advocate Shri Girish B. Mangannavar)

Vs.

1. Nehru Yuva Kendra Sangathan
Through its Director General,
Ground Floor, 4 Jeevan Deep Building,
Parliament Street, New Delhi – 110 001.
2. Nehru Yuva Kendra Sangathan
Through its Deputy Director (Personnel),
Ground Floor, 4 Jeevan Deep Building,
Parliament Street, New Delhi – 110 001.
3. Zonal Director,
Nehru Yuva Kendra Sangathan,
Office of Zonal Director,
No.673, 2nd Cross, 6th Main,
Near Maanasa Hospital,
Vijayanagar, Bengaluru-560 040.
4. Union of India,
Ministry of Youth Affairs & Sports,
Shastri Bhavan, 'C' Wing,
New Delhi,
Represented by the Secretary.

5. Raghuveera S
S/o S. Dathathreya, Aged about 30 years,
Under order of posting as National United Nations Volunteer-
District Youth Coordinator, Nehru Kendra, Mangalore.
R/o Door No.25-12-719, 2nd Cross, Left Side, Souterpete,
Valencia, Kankandi, Mangalore-575002. ...Respondents

(By Standing Counsel Shri M. Vasudeva Rao for Respondents
Shri Vishnu Bhat for impleading respondent)

O R D E R (ORAL)

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

MA.No.499/2018 for impleading of applicant therein is allowed as the respondent.

2. Heard. Apparently the applicant has a right to be posted to a favourable place within 2 years of her superannuation as held by several Apex Court Judgments. But at the same time, this right is also circumscribed by other parameters, which indicate that if for functional convenience, some accommodation is to be made, it has to be done. Now apparently the UNDP, which is a United Nation's Agency has taken out certain development work in the field of Youth Development. In the State of Karnataka, Mangalore District was selected as the pilot project district. In accordance with the stipulations between the United Nation and Union of India, one Shri S. Raghuveera, has been appointed as project officer, who will work as District Youth Coordinator in Mangalore. The applicant had challenged this appointment, as she will then be transferred to Chickmagaluru, which is also within 50 kms from Mangalore. She does not want to go there. She contends that since she would be superannuating in another 2 years' time, she may have a right for a favourable posting at the fag

end of her career. But then when Union of India has entered into an internal agreement with the United Nations, the functioning of it must be held to have submerged this right of the applicant. Therefore, the applicant will have no other choice. If she cannot choose Chickmagaluru, then the respondents would submit that she may choose Udupi, which is also nearby district. Therefore, we will allow the applicant to issue a letter of choice between Chickmagaluru or Udupi or if possible some other district as well, as per her choice. This also will be made subject to the condition that as soon as UN Project ends, she has a right to be posted back at Mangalore once again. We will grant her this liberty also. But then, this officer for pilot project to go on. Within the next 3 days the applicant will express her choice. The respondents to adhere to this choice within the next 2 days.

3. The OA is disposed of permitting the additional respondent, newly impleaded, to be posted at Mangalore immediately. No cost.

(DINESH SHARMA)
MEMBER(A)

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

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Annexures referred to by the Applicant in OA No.170/01509/2018

1. Annexure A1 : Copy of the order dated 13.5.2013
2. Annexure A2 : Copy of the request letter dated 03.4.2018.
3. Annexure A3 : Copy of the circular dated 15.6.2018.
4. Annexure A4 : Copy of the impugned order dated 12.9.2018.

Annexures referred to by the respondents

1. Annexure R1 : Copy of letter dated 14.8.2018.
2. Annexure R2 : Copy of the dated 25.07.2018.
3. Annexure R3 : Copy of the Pledge of Commitment of UNV.
4. Annexure R4 : Copy of Gmail dated 20.9.2018.

Annexures referred to in MA.499/2017.

1. Annexure MA1 : Copy of the order dated 13.7.2018