

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/001053/2018

Dated this Monday, the 24th day of December, 2018.

CORAM:

Hon'ble Mr. Ashish Kalia, Judicial Member

Ajesh A.K.

Store Keeper, Jawahar Navodaya Vidyalaya,
Chedayad Post, Kannur – 670692, residing at
Jawahar Navodaya Vidyalaya Quarters,
Chedayad Post, Kannur – 670 692.

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Applicant

(By Advocate – Mr. Vishnu S.Chempazhanthiyil)

v e r s u s

1 The Deputy Commissioner (Pers.),
Navodaya Vidyalaya Samiti (Hyderabad Region),
Ministry of Human Resource & Development,
1-1-10/3, Sardar Patel Road, Secuderabad – 500 003.

2. The Commissioner, Navodaya Vidyalaya Samiti,
Department of School Education & Literacy,
Government of India, B15, Institutional Area,
Sector 62, Noida, Gautam Budh Nagar Dist,
Uttar Pradesh – 201 309.

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Respondents

(By Advocate – Mr. Millu Dandapani)

This Original Application having been heard on 24.12.2018, the Tribunal on the same day delivered the following:

O R D E R (ORAL)

The present O.A. is filed seeking following reliefs:

- (i) Direct the respondents to consider transfer request of the applicant made under spouse ground to the post of LDC/Store Keeper at JNV Ernakulam.
- (ii) Declare that the refusal to grant transfer to the applicant under spouse ground to the vacant post of LDC/Store Keeper at JNV Ernakulam is illegal and arbitrary and direct the respondents to extend such consideration to the applicant.

- (iii) Direct the respondents not to fill up the post of LDC/Store Keeper at JNV Ernakulam without first considering the claim of the applicant for transfer.
- (iv) Direct the 2nd respondent to consider and pass orders on Annexure A7, before filling up the post of LDC/Store Keeper at JNV Ernakulam.
- (v) Any other further relief or order as this Tribunal may deem fit and proper to meet the ends of justice.

2. The applicant is presently working as Store Keeper in Jawahar Navodaya Vidyalaya (JNV for short) Kannur. He was initially recruited as a Chowkidar-cum-Sweeper in Kottayam where he worked upto 11.8.2014. He was promoted and posted as a Store Keeper to JNV Kannur on 12.8.2014. The post of LDC and Store Keeper is interchangeable. The Jawahar Navodaya Vidyalaya has a policy of giving priority for unification of spouses. Those who apply for transfer under the spouse ground are given priority. The applicant, submitted application for the Annual Transfer Drive, 2018 pointing out that his wife is employed as a LPSA in Government School in Sengulam, Idukki District and that there was a clear vacancy of LDC in the nearest JNV at JNV Ernakulam (Annexure A1). The applicant's claim was not considered when the Annual Transfer List was published on 28.11.2018 as per Annexure A2. By Annexure A2 the respondents have invited representations the applicant submitted a representation on 29.11.2018 seeking transfer to Ernakulam. His representation is pending.

3. Learned Standing Counsel for the Jawahar Navodaya Vidyalaya is present.

4. After hearing both sides, by mutual consent of the parties, this Tribunal is of the view that ends of justice would be met if the original application is disposed of at the admission stage itself by giving a direction to the respondents to dispose of the pending representation. Accordingly, the competent respondent is hereby directed to consider and dispose of the pending representation of the applicant at Annexure A.4 within a period of thirty days from the date of receipt of a copy of this order and communicate the decision to the applicant. While considering the representation, it may be kept in mind that the applicant has spent more than 18 years away from his native place and his representation is to be addressed sympathetically.

5. It is ordered that till the disposal of the above representation, any appointment made will be subject to the outcome of the decision on the representation made by the applicant.
6. With the above direction and observation, the Original Application is disposed of *in limine*.

(ASHISH KALIA)
JUDICIAL MEMBER

sj*

List of Annexures

- Annexure A1 - True copy of the application dated 24.05.2018 submitted by the applicant.
- Annexure A2 - True copy of communication oNo. F.No.1-30(TR)/2018/NVS(HR)/Estt.III dated 28.11.2018 issued by the NVS.
- Annexure A3 - True copy of the certificate issued by the Headmaster, Government L.P. School, Sengulam, Idukki District.
- Annexure A4 - True copy of representation dated 29.11.2018 to the 1st respondent.
- Annexure A5 - True copy of Communication No. F.No.A-21/JNVK/2018-19/436 dated 29.11.2018 issued by the Principal, JNV Kannur.
- Annexure A6 - True copy of notice vide No.F.No.1-239/NVS(HR)/Estt.III/2018 dated 20.12.2018 issued by the Office of 1st respondent.
- Annexure A7 - True copy of representation dated 20.12.2018 to the 2nd respondent.
