

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00070/2019

Wednesday, this the 30th day of January, 2019

CORAM:

Hon'ble Mr. Ashish Kalia, Judicial Member

Mr.Rajeesh.C.K
 TGT Malayalam, Jawahar Navodaya Vidyalaya
 O.K.Muri Post, Malappuram -676 519
 Residing at Jawahar Navodaya Vidyalaya Quarters
 O.K.Muri Post, Malappuram -676 519 **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, Secunderabad-500 003
2. The Commissioner
 Navodaya Vidyalaya Samiti
 Department of School Education & Literacy
 Government of India, B 15, Institutional Area, Section 62
 Noida, Gautam Budh Nagar Dist,
 Uttar Pradesh – 201 309
3. The Principal
 Jawahar Navodaya Vidyalaya
 O.K Muri Post, Malappuram-676 519 **Respondents**

(By Advocate : Mr.Millu Dandapani for R 1-3)

This application having been heard on 30.1.2019 the Tribunal on the same day delivered the following:

O R D E R (ORAL)**Hon'ble Mr. Ashish Kalia, Judicial Member –**

The reliefs claimed by the applicant are as under:

- “1. Direct the respondents to consider accommodating the applicant in any of the vacant posts of TGT Malayalam in JNV Thrissur or JNV Pathanamthitta.
- 2. Call for the records leading to the issue of Annexure A3 and set aside Annexure A3 to the extent the applicant is transferred to JNV Udhampur Singh Nagar, Uttarakhand in Lucknow Region and direct the respondents to consider accommodating the applicant in any of the vacant posts of TGT Malayalam in JNV Thrissur or JNV Pathanamthitta.
- 3. Declare that the applicant is entitled to the benefit of safeguard from displacement on spouse ground, and direct the respondent to consider posting the applicant in any of the vacant posts of TGT Malayalam in JNV Thrissur or JNV Pathanamthitta.
- 4. Direct the 2nd respondent to consider and pass orders on Annexure A7.
- 5. Any other further relief or order as this Tribunal may deem fit and proper to meet the ends of justice.”

2. The brief facts of the case are that the applicant is presently working as a TGT Malayalam in JNV Malappuram in Hyderabad Region. He has completed 5 years tenure in JNV Malappuram. He is now under orders of transfer to JNV Udhampur Singh Nagar in Uttarakhand, Lucknow Region. Applicant has cited compassionate ground in view of the fact that his two month old baby is suffering from Thyroid Scintigraphy. He has raised claim for safeguard from displacement on spouse ground (Annexure A-4) also. Applicant prays for retention in Kerala as per his Annexure A-7 representing dated 17.1.2019, highlighting the fact that two clear vacancies

of TGT Malayalam is available in Kerala i.e at JNV Thrissur and in JNV Pathanamthitta.

3. Heard Mr. Vishnu S. Chempazhanthiyil, learned counsel appearing for the applicant. Mr. Millu Dandapani takes notice on behalf of respondent nos. 1-3. Perused the records.

4. Annexure A-7 representation describing all his grievances is pending with the respondents. This Tribunal is of the view that this Original Application may be disposed of by directing the respondents to consider and pass orders on Annexure A-7 representation made by the applicant. Ordered accordingly. The above exercise shall be completed within thirty days from the date of receipt of a copy of this order. It is made clear that with the consent of counsel for the parties on their instructions, this matter is disposed of.

5. In the meantime, one vacancy available in JNV School is Kerala shall not be filled up till the disposal of the Annexure A-7 representation filed by the applicant.

6. The Original Application is disposed of as above. No costs.

**(ASHISH KALIA)
JUDICIAL MEMBER**

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List of Annexures

Annexure A-1 True copy of notice No.F.2-1/2018(ATD)-NVS(Estt)/7403 dated 11.5.2018 issued by the NVS

Annexure A-2 True copy of application dated 26.5.2018 submitted by the applicant

Annexure A-3 True copy of the Annual Transfer List 2018 in respect of TGT Malayalam, as available in the web site of NVS

Annexure A-4 True copy of certificate of working spouse issued by the Directorate of Public Instructions, Government of Kerala

Annexure A-5 True copy of birth certificate issued by the Kozhikode Corporation

Annexure A-6 True copy of medical certificate issued by the Baby Memorial Hospital Ltd., Kozhikode

Annexure A-7 True copy of representation dated 17.1.2019 to the 2nd respondent

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