

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00379/2018

Date of Order: This, the 13th day of November 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

Ms. Pranita Das
W/O – Sri Chandra Moni Tamuli
TGT, Assamese
J.N.V, Diphu
District – Karbi Anglong, Assam
Pin – 782460.

...Applicant

By Advocate: Mr. G. Baishya

-Versus-

1. The Union of India
Through the Secretary, Government of India
Ministry of Human Resource Development
Department of Education, New Delhi-110001.
2. The Commissioner,
Navodaya Vidya Laya Samity,
Institutional Area, Sector-62
Noida, Uttar Pradesh, Pin:201307.
3. The Deputy Commissioner,
Navodaya Vidya Laya Samity,
Regional Office, Temple Road
Barik Point Lachumiere, Shillong-793001.
4. The Principal
J.N.V, Diphu
District – Karbi Anglong, Assam
Pin – 782460.

...Respondents

ORDER (ORAL)**MANJULA DAS, JUDICIAL MEMBER:**

Being aggrieved with the impugned attachment order dated 09.11.2018, the instant petition has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking following main reliefs:

“8.i) That the Hon’ble Tribunal be pleased to set aside and quash the attachment order dated 09.11.2018 issued by the respondent No. 3.

8.ii) that the Hon’ble Tribunal be pleased to direct the respondent authorities to allow the applicant to continue her service in her present place of posting i.e. JNV, Diphu, Karbi Anglong under spouse ground.

2. Heard Mr. G. Baishya, learned counsel for the applicant. Perused the pleadings and the documents relied upon.

3. It was submitted by Mr. Baishya that the applicant is working as TGT, Assamese and she has been attached to JNV, North Sikkim where the Assamese Subject is not available. Inspite of the said fact, the respondent authority has attached the applicant at JNV, North Sikkim.

4. Mr. Baishya submitted that children of the applicant are studying in Class-VIII and III and the third child is only 2 years old and if the applicant is attached to JNV, North Sikkim, the entire family will suffer and it will also hamper on the studies of her children. Being aggrieved with the said attachment order dated 09.11.2018, the applicant has submitted a representation dated 10.11.2018 before the respondent No. 3 with a request to reconsider the case of the applicant and to cancel the said attachment order. But the authority has not taken any decision in this regard.

5. Having heard the learned counsel for the applicant, perusal of the pleadings and material placed on record, it is noted that vide order dated 09.11.2018, the respondent authority has attached the applicant at JNV, North Sikkim where the Assamese subject is not available. Applicant also admitted that because of gynecological problems, she was advised not to travel in hilly areas. It is also fact that said attachment order has been issued during mid academic session of the children wherein elder son of the applicant is studying in Class – VIII in the same Vidyalaya i.e. JNV, Diphu and second one is in Class – III. If the applicant is transferred

during mid session, it will affect the education of the children.

Hence the same is not permissible in view of the ratio laid down

by the Hon'ble Apex Court rendered in the case of **Director of**

School Education, Madras & Ors. Vs. O. Karuppa Thevan 1994

Supp (2) SCC 666 where the Hon'ble Apex Court has held that

– “Transfer of an employee during mid-academic term is not proper unless exigencies of service are urgent for making such transfer.”

6. It is also noted that applicant's representation dated

10.11.2018 is also pending disposal. In view of the above, I

direct the respondent authority to consider and dispose of the

pending representation dated 10.11.2018 and pass a reasoned

and speaking order keeping in mind the ratio laid down by the

Hon'ble Apex Court rendered in the case of **O. Karuppa**

Thevan (supra) within a period of two months from the date of

receipt copy of this order and shall be communicated to the

applicant forthwith.

7. Respondents are further directed to retain the

applicant and allow her to continue in her service in present

place of posting i.e. JNV, Diphu, Assam till academic session of

her children is over.

8. O.A. stands disposed of at the admission stage itself.

No order as to costs.

**(MANJULA DAS)
MEMBER (J)**

PB