

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 044/00376/2018

Date of Order: This, the 13<sup>th</sup> day of November 2018

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER**

1. Shri Togor Suklabaidya  
S/o – Late Birendra Sukklabaidya  
Office Superintendent  
Jawahar Navodaya Vidyalaya  
SERCHHIP  
Mizoram, Pin – 796181.
2. Ranjana Suklabaidya  
W/O – Togor Suklabaidya  
Staff Nurse  
Jawahar Navodaya Vidyalaya  
P.O. Khawzawl, Champhai  
Mizoram, Pin – 796181.

**...Applicants**

By Advocates: Mr. M. Chanda & Mrs. U. Dutta

-Versus-

1. The Union of India  
Through the Secretary to the Government of India  
Ministry of Human Resource Development  
Department of Education, New Delhi-110011.
2. The Commissioner,  
Navodaya Vidyalaya Samity,  
Institutional Area, Sector-62  
Noida, Uttar Pradesh, Pin:201307.
3. The Deputy Commissioner,  
Navodaya Vidyalaya Samity,  
Regional Office, Temple Road  
Barik Point Lachumiere, Shillong-793001.

4. The Principal, J.N.V.  
Serchhip  
Mizoram  
Pin – 796181.

...Respondents

### **O R D E R (ORAL)**

#### **MANJULA DAS, JUDICIAL MEMBER:**

At the outset of moving the O.A., Mrs. U. Dutta, learned counsel representing the applicants prays permission to move the instant petition jointly as per Rule 4(5)(a) of the CAT (Procedure) Rules, 1987 as the reliefs sought by them are common. Permitted.

2. Heard Mrs. U. Dutta, learned counsel for the applicants. Perused the pleadings and the documents relied upon.

3. By this O.A., applicants make a prayer to direct the respondents to release/spare both the applicants with immediate effect from the present place of posting at J.N.V. Mizoram so as to enable them to join at their new place of posting at J.N.V. Karimganj in terms of the transfer order dated 13.08.2018.

4. It was submitted by Mrs. Dutta that both the applicants are presently working as Office Superintendent as well as Staff Nurse at J.N.V., Champhai, Mizoram. Both the applicants are posted in different places at different point of time. According to the learned counsel, in view of the statutory guidelines issued by the Ministry of Personnel, Public Grievances and Pensions, they are entitled to avail spouse posting in same station. Accordingly, applicant No. 1 submitted an application to the authority on 25.05.2018 as well as 02.06.2018 praying for consideration of both the applicants for spouse posting. In the said applications, both the applicants opted for their first choice posting at J.N.V., Karimganj. Although names of both the applicants were not there in the transfer list of Annual Transfer Drive (Round 1) published on 04.07.2018, but their names figured in the Annual Transfer Drive (Round 2) published on 27.07.2018. However, vide Final Transfer List (Round 1 & 02) ATD dated 13.08.2018, both the applicants were transferred and posted to J.N.V., Karimganj, Assam.

5. Mrs. Dutta vociferously argued that though both the applicants were transferred and posted to J.N.V., Karimganj way back on 13.08.2018 but neither of them have been

released or spared from their present place of posting at Mizoram which is causing serious prejudice to both the applicants. Because of illness, applicant No. 2 also submitted a representation to the Deputy Commissioner, NFS, RO, Shillong (respondent No. 3) on 22.09.2018 which is also pending disposal.

6. From the perusal of records, it is noted that although both the applicants were transferred and posted to J.N.V. Karimganj, Assam vide Final Transfer List (Round 1 & 02) ATD dated 13.08.2018, however, respondents neither has released nor spared both the applicants. Both the applicants are waiting for last three months. In view of the above, without issuing notice to the respondents, in the interest of justice, I direct the respondents to release/spare both the applicants immediately from the present place of posting at J.N.V. Mizoram so as to enable them to join at their new place of posting at J.N.V. Karimganj in terms of the transfer order dated 13.08.2018.

7. Needless to mention that there is no bar for the respondents to consider the pending representations of the applicants by considering their grievances.

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

No order as to costs.

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

**PB**