

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00310/2019

DATED THIS THE 10TH DAY OF JUNE, 2019

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

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

Sri G. Somashekar,
S/o late J.S. Gopal Rao,
Aged about 51 years,
Working as Driver
For Jawahar Navodaya Vidyalaya
Bagalur, Bangalore Urban District,
Karnataka 562 149

(By Advocate Shri K.H. Somashekar)

..... Applicant

Vs.

1. Union of India,
Represented by its Secretary,
Ministry of Human Resources,
Development, Shastri Bhavan,
New Delhi 110 001

2. Navodaya Vidyalaya Samithi,

Represented by its Commissioner,
Institutional Area, B-15,
Sector 62, Noida,
Uttar Pradesh 201 307

3. The Deputy Commissioner,
Navodaya Vidyalaya Samithi,
NI.L.S. Building,
Nallagandla, Gopannapally, (V&P)
Rangareddy District,
Telangana 500 107

4. The Principal,
Jawahar Navodaya Vidyalaya
Bagalur, Bangalore Urban District,
Karnataka 562 149

....Respondents

(By Shri V.N. Holla, Counsel for the Respondents)

O R D E R (ORAL)

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

We had taken up the matter today. No reply has been filed even though Shri V.N. Holla, learned counsel for the respondents, submits that his reply is ready but the learned counsel for the applicant produces a copy of representation which he had made which we quote:

*"Dated: 10-06-2019
Bangalore*

FROM

*Sri G. Somashekar,
S/o late J.S. Gopal Rao,
Aged about 52 years,
Working as Driver
For Jawahar Navodaya Vidyalaya
Bagalur, Bangalore Urban District,
Karnataka – 562 149
Temporarily attached to
JNV, Kannur Kerala*

To,

*The Deputy Commissioner,
Navodaya Vidyalaya Samiti
Regional Office,
N.I.L.S. Building,
Nallagandla, Gopannapally, (V&P)
Rangareddy District,
Telengana – 500 107*

Respected Sir,

*Sub: Requesting for Transfer either to JNV North Canara,
Malagi or JNV Kolar District.*

With reference to the subject stated above I would like to humbly bring to your kind notice that I have been attached to JNV, Kannur, Kerala vide letter No. PFDR56/2019/N.V.S.(HR)/ESTT-III/Dated 8-3-2019 and relieving order No. 2-2/JNVB(U)/18-2019/1395 Dated 8-3-2019. Due to coastal climate and food my health is also getting deteriorated as I have stayed all through in tropical zone.

I have aged sick mother of 86 years to look after and two widow sister whose well being is on my shoulders. Still I have a unmarried sister, I have a responsibility to solemnly her marriage. My wife also has a serious injury at spine and unable to perform journey and I have to take care of her. I have no issues yet and undergoing fertility treatment also.

Entire family depends on my salary alone so kindly transfer to JNV North Canara Dist, (Malagi) Karnataka or JNV Kolar District, or anywhere in Karnataka, so that I can efficiently carry out my duties.

Kindly consider my case sympathetically/humanitarian ground and help me. I will be able to perform any work that is assigned to me in JNV, Bangalore Urban.

I will be highly obliged to you for the kind favour.

*Thanking you,
Sd/-
(G. SOMASHEKAR)
Driver*

Copy to:

- 1. The Principal, JNV, Bangalore Urban Dist.*
- 2. The Assistant Commissioner/Cluster Incharge,
Dharwad Cluster, NVS, RO, Hyderabad.*

2. A 52 year old man seeking opportunity to take fertility treatment is no ground for granting favourable transfer. Having an 86 year old mother by itself may not be a ground to be given a favourable transfer as at Kannur also treatment facilities are available. Having an unmarried sister at that age and having two widowed sisters also may not be a reason sufficient as Kannur is also in India and there is no necessity that a person should be granted favourable transfer just because of this. We reiterate this point because even when these points were raised on earlier occasions by other applicants, we have refused on the basis of several Hon'ble Supreme Court judgments to this effect. We have gone on the principle that transfer is a normal incident of a government employee's service and it is also beneficial to general public that persons should be transferred once in a while lest empire building takes place and they grow unnecessary roots in the geographical location. We had also gone through the averments the applicant has already made in the OA and had granted an interim order only that he may have sufficient time to settle his affairs and go to the transferred place. Grant of interim order, therefore, need not be mistaken as a seal of recognition. At this point of time, the learned counsel for the applicant wants to withdraw the OA. We are not granting him any liberty.

3. The OA is, therefore, dismissed as withdrawn. No order as to costs.

(C.V. SANKAR)

(DR.K.B.SURESH)

MEMBER (A)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00310/2019

Annexure-A1: Copy of the appointment order dated 31.03.1998

Annexure-A2: Copy of the order dated 31.10.2000

Annexure-A3: Copy of the representation dated 04.08.2015

Annexure-A4: Copy of the representation dated 03.08.2015

Annexure-A5: Copy of the order dated 03.01.2004

Annexure-A6: Copy of the order dated 30.07.2013

Annexure-A7: Copy of the orders dated 18.01.2014

Annexure-A8: Copy of the order dated 12.03.2014

Annexure-A9: Copy of the order dated 08.03.2019

Annexure-A10: Copy of the order dated 08.03.2019

Annexure-A11: Copy of the medical report

Annexure-A12: Copy of the application under RTI dated 20.03.2016

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