

**Central Administrative Tribunal  
Ernakulam Bench**

OA No.180/00591/2019

Friday, this the 9<sup>th</sup> day of August, 2019.

CORAM

**Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member  
Hon'ble Mr.Ashish Kalia, Judicial Member**

Shaji K.N.,  
Post Graduate Teacher (Biology)  
Jawahar Navodaya Vidyalaya  
ETC P.O., Kottarakkara,  
Kollam-691 531.  
Residing at “Vaishnavam”,  
Thumpamanthodi, Madathara P.O.,  
Kollam-691 541.

Applicant

(Advocate: Mr. P.Santhosh Kumar & Mr.P.Chandrasekhar)

**versus**

1. Union of India represented by its Chairperson  
Navodaya Vidyalaya Samithi  
Ministry of Human Resource Development  
Shastri Bhawan, New Delhi-110 001.
2. The Commissioner  
Navodaya Vidyalaya Samithi  
Department of School Education & Literacy  
Government of India, B15, Institutional Area  
Sector 62, Noida, Budh Nagar  
Uttar Pradesh-201 309.
3. The Deputy Commissioner (Pers)  
Navodaya Vidyalaya Samithi (Hyderabad Region)  
Nallagandla, Gopanapalli,  
Hyderabad-500 019.
4. The Principal  
Jawahar Navodaya Vidyalaya  
ETC Post, Kottarakkara  
Kollam-691 531.

5. Sri Minil Kumar G,  
PGT-Biology,  
Jawahar Navodaya Vidyalaya  
Wayanad-673 121.

6. Sri Uthamaslokhhan Nair  
PGT-Biology  
Jawahar Navodaya Vidyalaya  
Thiruvananthapuram  
Chatachal P.O., Vithura-695 551. Respondents

(Advocate: Mr. Millu Dandapani)

The OA having been taken up on 9<sup>th</sup> August, 2019, this Tribunal delivered the following order on the same day:

**O R D E R (oral)**

**By E.K.Bharat Bhushan, Administrative Member**

Sri Vishnu S.Chempazhanthiyil appears on behalf of 5<sup>th</sup> respondent.

Applicant is aggrieved by the categorization of his post from “Protected Deemed” to “Deemed”. He apprehends that he is going to be transferred out in consequence to the re-categorization. He had approached this Tribunal in OA 437/2019 and obtained an order, copy of which is available at Annexure A7, by which the 2<sup>nd</sup> respondent had been ordered to consider the representation of the applicant for transfer to Trivandrum on spouse grounds as and when occasion arose. Nothing further has been known about this, the learned counsel for the applicant complains.

2. Smt.Sumathi Dandapani, learned counsel on behalf of the respondents, submits that no transfer order has been issued and the representation of the applicant submitted in accordance with the directions of this Tribunal is under consideration of the second respondent.

3. Any decision to transfer or not to transfer the applicant from his present station will be taken only after giving due consideration to the representation which he has filed in accordance with the directions issued in OA No.437/2019. OA is dismissed as premature. However, the applicant is given liberty to approach us in the event of any further requirement.

**(Ashish Kalia)**  
**Judicial Member**

**(E.K.Bharat Bhushan)**  
**Administrative Member**

aa.

**Annexures filed by the applicant:**

Annexure A1: Copy of the Employment Certificate dated 6.6.2019 of the wife of the applicant.

Annexure A2: Copy of the order No.28034/9/2009-Estt.(A) dated 30.9.2009 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions.

Annexure A3: Copy of the web page dated 2.6.2019 of the Employee Transfer Portal.

Annexure A4: Copy of the Disability Certificate dated 10.4.2018.

Annexure A5: Copy of the letter dated 18.6.2014 issued by the Minister for Human Resources Development, Government of India.

Annexure A6: Copy of the representation dated 3.6.2019 to the 2<sup>nd</sup> respondent.

Annexure A7: Copy of the order in OA No.437/2019 dated 3.7.2019 of the CAT, Ernakulam Bench.

Annexure A8: Copy of the representation dated 16.7.2019 to the 2<sup>nd</sup> respondent.

Annexure A9: Copy of the proposed transfer list.

Annexure A10: Copy of the office order No.F.2-18(PGT-Biology)/2015-NVS(Estt./744 dated 2.6.2016.

Annexure A11: Copy of communication F.No.24(Admn)/JNVN/2019/148 dated 1.7.2019.

Annexure A12: Copy of the order in OA No.494/2017 dated 18.9.2017 of the CAT, Bangalore Bench.