

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00217/2019

Date of Decision: This the 10th day of July, 2019

THE HON'BLE MR. NEKKHOMANG NEHSIAL, ADMINISTRATIVE MEMBER

Shri Bijit Konch (Aged 38 years)
Son of Shri Khagen Konch
Address: Jawahar Navodaya Vidyalaya
Biswanath Chariali
District – Sonitpur, Assam, Pin – 784176.

...Applicant

By Advocates: Mr. T. Deori and Mr. J. Rabha

-Vs-

1. The Union of India
Represented by Secretary, Ministry of Human
Resource Development, Department of School
Education and Literacy, Shastri Bhawan
New Delhi – 110048.
2. Navodaya Vidyalaya Samiti
Represented by the Commissioner
Department of School Education and Literacy
Government of India, B-15, Institutional Area
Sector 62, Noida, Gautam Buddha Nagar
Sector 62, Noida, Uttar Pradesh – 201309.
3. The Regional Office, represented by
The Deputy Commissioner
Navodaya Vidyalaya Samiti
Department of School Education and Literacy
Temple Road, Barik Point, Lachumiere
Shillong – 793001.
4. The Deputy Commissioner
Regional Office, Navodaya Vidyalaya Samiti
Department of School Education and Literacy
Temple Road, Barik Point, Lachumiere
Shillong – 793001.

5. The Principal, Jawahar Navodaya Vidyalaya
Biswanath Chariali, District – Sonitpur
(Assam), Pin – 784176.

...Respondents

ORDER (ORAL)

NEKKHOMANG NEIHSIAL, MEMBER (A):

Mr. T. Deori, learned counsel appearing on behalf of the applicant has brought to my notice the office order No. 2-45/NVS(SHR)/Pers dated 02.07.2019 (in respect of the applicant) by which the respondent authorities sought to be transferred the applicant from Sonitpur, Assam to Dibang Valley.

2. Learned counsel further has brought to my notice that in view of the transfer guideline issued by the Navodaya Vidyalaya Samiti under No. F.2-18/2015-NVS(Estt.) dated 22.12.2015, F.2-2/2018(ATD)-NVS(Estt.)/17430 dated 02.04.2018 as well as Transfer Policy and DOP&T O.M. No. 28034/9/2009-Estt.(A) dated 30.09.2009, the applicant should not be transferred as per the terms and conditions of service.

3. Learned counsel has further brought to my notice that the applicant has submitted his representation on 03.07.2019 to the competent authority wherein he has mentioned that he has been suffering from serious Asthmatic trouble for the last couple of years, making him total inadaptable in Dust, Cold and High Altitude and he is bound to use Nebuliser Machine in a regular manner. Further he

highlighted that his wife is a regular Staff Nurse at Tezpur Medical College & Hospital who is also suffering from T.B. (Buberculosis) and under medication now. However, said representation has not been considered and disposed off by the competent authority till date.

4. I have heard the learned counsel for the applicant, perused the papers and the documents relied upon. Keeping in view of the representation pending, without going into the merits of the case, I found that it is a fit case to direct the competent authority to consider the pending representation of the applicant dated 03.07.2019 and dispose of it and pass a reasoned and speaking order within a reasonable period of two months' from today. In the meantime, the impugned office order No. 2-45/NVS(SHR)/Pers dated 02.07.2019 (in respect of the applicant) shall not be implemented by them. Accordingly, ordered.

5. With the above direction, O.A. stands disposed of accordingly at the admission stage.

6. There shall be no order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)