

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 045/00218/2019

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

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, ADMINISTRATIVE MEMBER

Shri Prasanna Phookan (Aged 40 years)
Son of Shri Monpur Phukan
Address: Jawahar Navodaya Vidyalaya
Mahadevpur, Dist – Namsai
Arunachal Pradesh, Pin – 792103.

...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
Mahadevpur, Dist – Lohit
Arunachal Pradesh, Pin – 792105.

...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 Lohit, Arunachal Pradesh to Anjaw, Arunachal Pradesh.

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 18.06.2019 to the competent authority highlighting his grievances. 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. It is seen that the representation dated 18.06.2019 submitted by the applicant prior to issuance of the transfer order dated 02.07.2019 appears not to have been considered and taken into account by the competent authority. 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 18.06.2019 and dispose of it and pass a reasoned and speaking order, if necessary by cancelling/modification of the impugned office order dated 02.07.2019 within a reasonable period of two months' from today. Till disposal of applicant's representation, 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)

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