

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO.060/01088/2019
Chandigarh, this the 22nd day of October, 2019

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Hari Krishan, aged 47 years, S/o Sh. Ved Parkash, working as TGT (English), JNV, Panchkula – 134107 (Group C)

....Applicant

(Present: Mr. Sandeep Siwatch, Advocate)

Versus

1. Navodaya Vidyalaya Samiti (Ministry of Human Resource Development, Department of School Education & Literacy) (Government of India), B-15, Institutional Area, Sector 62, Noida through its Commissioner, 201009.
2. Deputy Commissioner, Navodaya Vidyalaya Samiti, (Ministry of Human Resource Development, Department of School Education & Literacy) (Government of India), Regional Office, NVS, Jaipur (Rajasthan) – 302001.
3. Mukesh Kumar, TGT (English), JNV, Panipat, Haryana – 132103.

..... Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant, in this O.A. has challenged the order dated 04.10.2019 (Annexure A-1) whereby he has been transferred from Panchkula to Tarn Taran on his promotion as PGT (English).
2. Heard.
3. Mr. Sandeep Siwatch, learned counsel submitted that the applicant has already completed his tenure posting at hard station Nahan (Sirmour). It is submitted that since after completion of tenure posting, the applicant was entitled to get posting at a station where his spouse is posted, therefore he made a representation and was

given posting at Panchkula on 26.07.2016. It is contended that now on promotion as PGT (English) he has been shifted from Panchkula to Tarn Taran. He argued that the applicant made a representation dated 09.09.2019 (Annexure A-5) to the respondents to post him nearby station of his spouse posting as he has already completed his hard tenure posting and is entitled to be posted on the same station with the spouse as per the transfer policy. It is contended that qua other similarly placed person, who made representations for cancellation/modification of transfer order, the Competent Authority has issued order not to relieve them until their representations are decided, but the applicant has been discriminated against by them. He has produced a copy of such order (dated 15.10.2019) issued qua one of his colleague namely Om Kaushik (which is taken on record).

4. Learned counsel, at this stage, made a statement that the applicant would be satisfied if the respondents are directed to issue similar order in his favour as has been done in favour of his indicated colleague.

5. Issue notice to the respondents.

6. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He does not object to the disposal of the O.A. in the requested terms.

7. In the wake of above, the O.A. is disposed of, in limine, with a direction to the Competent Authority amongst the respondents to take a call and decide the indicated representation (Annexure A-5) of the applicant, in accordance with law and as per the transfer policy, by passing a reasoned and speaking order, and till then the respondents shall not relieve him from the present place of posting.

8. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.

No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 22.10.2019

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