



## CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

### Hearing by Video Conferencing

**O.A. No.060/636/2022**

Chandigarh, this the 18<sup>th</sup> day of July, 2022

#### **HON'BLE SH. SURESH KUMAR MONGA, MEMBER (J)**

(On video conference from Central Administrative Tribunal,  
Chandigarh Bench, Chandigarh)

#### **HON'BLE SH. RAKESH KUMAR GUPTA, MEMBER (A)**

(On video conference from Central Administrative Tribunal,  
Bangalore Bench, Bangalore)

Jaspreet Singh S/o Gurdip Singh, aged 46 years, working as PGT Physics, JNV Jalandhar, VPO Talwandi Madho, Distt. Jalandhar, Punjab PIN-144625, r/o Quarter No. 23, Block 1, Jawahar Navodaya Vidyalaya Jalandhar, VPO Talwandi Madho, Distt. Jalandhar Punjab-144625.

...Applicant

(BY ADVOCATE: Sh. Rohit Seth)

### **VERSUS**

1. Union of India through the Secretary, Ministry of Human Resources Development, A-28, Kailash Colony, New Delhi 110001. [Secy.dhe@nic.in](mailto:Secy.dhe@nic.in).
2. The Commissioner, Navodaya Vidyalaya Samiti, Head Quarter B-15, Institutional Area, Sector 62, Noida, District Gautam Budh Nagar, Uttar Pradesh 201309. [Commissioner.nvs@gov.in](mailto:Commissioner.nvs@gov.in).
3. Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Bay No. 26-26-27, Sector 31-A, Chandigarh, 160030. [Nvsro\\_chd@dataone.in](mailto:Nvsro_chd@dataone.in).



4. Principal, Jawahar Navodaya Vidyalaya Jalandhar, VPO Talwandi Madho, Distt. Jalandhar Punjab-144625. [Jnvjalandhar66@gmail.com](mailto:Jnvjalandhar66@gmail.com).

5. Mr. Manoj Kumar, working as PGT Physics, JNV Udhampur, Jammu & Kashmir, UT 182124.

.....Respondents

### **ORDER (ORAL)**

#### **PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 making therein the following prayer:

“(1) Quash Circular of First Transfer Drive dated 20.06.2022 (Annexure A-5) read with Circular dated 30.06.2022 (Annexure A-8) and circular of second transfer drive dated 08.07.2022 (Annexure A-9) qua the applicant and private respondent vide which the applicant has been transferred from Jawahar Navodaya Vidyalaya Jalandhar, to Jawahar Navodaya Vidyalaya Reasi, Jammu & Kashmir (UT), and to the extent it relates to the transfer of private respondent no. 5 has been transferred from JNV Udhampur with less than 3 years service to JNV Jalandhar, i.e the station opted by applicant, on spouse ground whereas his spouse is working in Punjab State Government at Gurdaspur and there is no unification intended by posting him there i.e. the present place of posting and applicant who is being displaced to



accommodate another employee. The son of the applicant is studying in Class XII and appearing in Board Exams and his daughter is studying class IX and he is not in a position to move out at this stage and seek deferment of transfer or transfer to JNV Bilaspur from where he will be able to commute on weekends to help his Son in Science stream as it is the stream of applicant himself and mid session is already on.

(2) For issuance of directions to the Respondents to consider and transfer the applicant at place of his choice station i.e Bilaspur or in the alternative allow him to continue at the present place by deferment of transfer till the completion of Class XII Board Examination of his Son and completion of X class of his daughter.

(3) Any other order or direction deemed fit and proper in the facts and circumstances of the case to which the applicant is held entitled to may also kindly be issued in her favour.

(4) Award costs of the petition in favour of the applicant."

2. At the very outset, Sh. Rohit Seth, learned counsel for the applicant submitted that before filing the present Original Application, the applicant had submitted a representation dated 29.06.2022 (Annexure A-7) which was followed by



another representation dated 11.07.2022 (Annexure A-10). However, the respondents have failed to take any decision over the applicant's said representations, compelling him to invoke the jurisdiction of this Tribunal.

3. Contention of learned counsel for the applicant is that the applicant has a right to have considered his representations. Learned Counsel further stated that the applicant will be satisfied if the present Original Application is disposed of with a direction to respondents to consider his pending representations and an order is passed within a time frame.

4. In view of the aforesaid limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

5. Accordingly, the Original Application is disposed of with a direction to the Commissioner, Navodaya Vidyalaya Samiti, Noida, to decide the applicant's aforesaid pending representations and pass a reasoned and speaking order in accordance with the policy guidelines in vogue. Before taking such a decision, the applicant shall also be afforded



an opportunity of hearing. The whole exercise shall be undertaken within a period of three weeks from the date of receipt of a certified copy of this order.

6. Ordered accordingly. However, there shall be no orders so as to costs.

**(RAKESH KUMAR GUPTA)**  
**MEMBER (A)**

**(SURESH KUMAR MONGA)**  
**MEMBER (J)**

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