

CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

Order Sheet

Item no.: 1
O.A./815/2022 (SHIMLA)
[POSTING/TRANSFER]
Court No.: 1

No of Adjournment:

Order Dated: 07/09/2022

ANURAG VATS
Vs
NAVODAYA VIDYALAYA SAMITI

For Applicant(s) Advocate : Sh. K.B. Sharma

For Respondent(s) Advocate :

Order of The Tribunal

Heard.

By way of this Original Application, the applicant has challenged the orders dated 03.09.2022 (Annexure A-17) and posting order dated 01.08.2022 (Annexure A-15) whereby the applicant has been ordered to be posted from Solan (H.P.) to Kulgam (J&K).

Learned counsel submits that the impugned action of the respondent department is against the provisions of transfer policy dated 28.01.2022 (Annexure A-2) . It has further been submitted that the applicant is 48 years old and as per the transfer policy, an employee of 45 years of age and above shall ordinarily not be posted to Hard and difficult stations on displacement unless actual vacancy of normal/plain station is exhausted. The further contention of learned counsel is that the applicant's daughter is studying at Solan and the impugned mid-session transfer is against the law laid down by the Hon'ble Apex Court in the case of Director of School

Education Madras and Others vs. O. Karuppa Thevan and Another, 1996 (1) SLR 225 whereby it has been held that the transfer should not have been effected during middle of academic session.

Issue notices to respondents.

Sh. D.R. Sharma, Advocate, accepts notices on behalf of the respondents.

Learned counsel for the applicant has prayed for interim directions which is opposed by learned counsel for the respondents.

After hearing learned counsel for the parties and considering the matter, we are of the view that some protection is to be granted to the applicant till the next date of hearing.

Resultantly, the respondents are directed to file the reply by the next date of hearing. Till then, no coercive action be taken by the respondents against the applicant.

The continuance/modification of the order shall be considered on the next date of hearing.

List on 22.09.2022.

Ramesh Singh Thakur
Member (J)

/mw/