

(2022) 05 CAT CK 0028

In the Central Administrative Tribunal

Case No : Original Application No. 180, 00215 Of 2022

Lijikutty Lawrence

APPELLANT

Vs

Commissioner, Navodaya Vidyalaya Samiti & Others

RESPONDENT

Date of Decision : 12-05-2022

Acts Referred:

Citation : (2022) 05 CAT CK 0028

Hon'ble Judges : P. Madhavan, Member, J;K.V. Eapen, Member A

Bench : Division Bench

Advocate : Vishnu S. Chempazhanthiyil, M.K. Padmanabhan

Final Decision : Disposed Of

Judgement

P. Madhavan, Member J

1. The applicant has filed the O.A seeking the following reliefs:-

"i. Direct the respondents to permit the applicant to complete a full tenure of 10 years so as to get the benefit out of Annexure A-2 judgment in its letter and spirit.

ii. Direct the respondents to consider retaining the applicant at JNV Kottayam itself or in the alternative direct the respondents to consider accommodating the applicant at either JNV Kozhikode or JNV Kodagu."

2. The applicant is presently working in JNV Kottayam as Staff Nurse. At the time of entry in service in 1999, the applicant had declared Kottayam as her home district. Since she purchased a property with house in 2012 in Kannur District, she applied for a change of home town from Kottayam to Kannur. In the meanwhile, the applicant who had willingly opted for three year tenure in a hard station like JNV Minicoy was compelled to remain for more than 9 years and 8 months and though granted a transfer to JNV, Kottayam, the same was not being implemented on the ground that Kottayam is the home district of the applicant. In such circumstances, the applicant has filed O.A No. 976/2013 which was

allowed directing to post the applicant in JNV Kottayam notwithstanding the fact that it was her home district. However, for ATD 2022, for the post of Staff Nurse was notified as deemed vacancy whereby the applicant becomes liable to be transferred out. In such circumstances, she had submitted Annexure A-5 and A-6 representations requesting that she be permitted to complete her full tenure at JNV Kottayam so as to get the benefit of Annexure A-2 judgment or to accommodate her at JNV Kozhikode or JNV Kodagu. Since no action is taken on Annexure A-5 and A-6, she filed the present O.A.

3. Mr. M.K. Padmanabhan Nair, ACGSC takes notice on behalf of the respondents and submits that representations are pending and it will be considered at the time of general transfer. According to him, cause of action does not arise at this stage.

4. Counsel for the applicant submits that vacancy is already notified and there is every possibility to transfer him and he wants his representation to be considered before ordering the transfer.

5. In view of the above submission, respondents are directed to consider Annexure A-5 and A-6 representation in the ongoing general transfer exercise and pass a speaking order on or before the final list of general transfer is published.

6. The O.A is disposed of as above. No order as to costs.