

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.469/2023**

**DISTRICT:- BEED**

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Santosh Pandurang Raut,  
Age : 44 years, Occ : Service as  
X-ray Scientific Officer,  
R/o. Sub-District Hospital,  
Parali-Vaijinath, Dist. Beed.

**...APPLICANT**

**V E R S U S**

- 1) The State of Maharashtra,  
Through: Principal Secretary,  
Public Health Department, G.T. Hospital,  
B Wing, 10<sup>th</sup> floor, Complex Building,  
New Mantralaya, Mumbai-400001.
- 2) The Director,  
Health Services, Directorate of Health Services,  
Central Building, Pune.
- 3) The Deputy Director,  
Health Services, Latur.
- 4) The Medical Superintendent,  
Sub-District Hospital,  
Parali-Vaijinath, Dist. Beed. **...RESPONDENTS**

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APPEARANCE :Shri U.P.Giri, Counsel for Applicant.

:Shri D.R.Patil, Presenting Officer for  
the respondents.

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**CORAM : JUSTICE P.R.BORA, VICE CHAIRMAN**

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**Decided on: 04-09-2023.**

**ORAL ORDER:**

1. Heard Shri U.P.Giri, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer appearing for the respondent authorities.

2. It is the grievance of the applicant that he has been illegally transferred from Sub District Hospital, Parali- Vaijinath to District Hospital, Beed vide order dated 13-06-2023. The applicant is working as X-Ray Scientific Officer. Learned Counsel for the applicant submitted that prior to issuance of the impugned order representation was given by the applicant on 10-04-2023 seeking retention at Parali-Vaijinath on two grounds; first that, his son aged about 17 years is suffering from disease Cerebral Palsy, and another that his wife is working in Electricity Company at Parali. Learned Counsel submitted that without considering the said representation, the applicant has been transferred. It is further contended that two posts of X-Ray Scientific Officer are vacant at Parali-Vaijinath. In the circumstances, applicant has prayed for setting aside the impugned transfer order dated 13-06-2023.

3. The request so made is opposed by the respondents. Respondent no.3 and 4 have filed affidavit in reply. It is contended that the applicant is working as X-Ray Scientific Officer at Parali-Vaijinath since the year 2014. It is further contended that earlier in the 2019, the request of the applicant for his retention at Parali-Vaijinath was favorably considered by the respondents and on his said request he was retained at Parali-Vaijinath till June, 2023. It is further contended that since the applicant was overdue for transfer, he has been transferred by the impugned order.

4. Learned P.O. submitted that the applicant cannot at every time escape the transfer. It is contended that similar request of the applicant was considered in the year 2019 and as such now it cannot be considered by the respondents and having regard to the administrative need the applicant has been transferred at Beed. Learned P.O. submitted that there is nothing illegal in the order so passed. Therefore, he has prayed for rejecting the O.A.

5. I have duly considered the submissions made on behalf of the applicant as well as the respondents. I have perused the documents placed on record. It is not in

dispute that the applicant is working at Parali-Vaijinath since 2014. It is evident that the applicant has served at Parali-Vaijinath for the period of about 9 years. The applicant was thus due for transfer. It is the further contention of the respondents that similar request was earlier considered by the respondents and in the circumstances, it was not possible to allow the retention of the applicant for the second time. The fact that earlier his request was considered is not denied or disputed by the applicant. It is thus evident that on his request the applicant was retained at Parali-Vaijinath for more than 4 years after he completed the ordinary tenure on the said post at Parali.

6. Having regard to the disease which the son of the applicant is suffering from i.e. Cerebral Palsy, though the sympathetic view has to be taken, it cannot be forgotten that the same was considered by the respondents and the applicant was retained at the place after he has completed ordinary tenure at the relevant time. As has been argued by the learned P.O., the applicant cannot be kept at one place for a long time and after a particular period the Government employee has to undergo the transfer. In so

far as the issue of couple convenience is concerned, the same principle would apply.

7. It is contended by the learned Counsel that the Government has acted contrary to its G.R. dated 09-04-2018. I have gone through the said G.R. There is no dispute about the provisions made in the said G.R., however, the said G.R. does not provide that every time on the same ground the Government employee shall ask for his retention. In the matter of the applicant the said point was considered earlier and request of the applicant was accepted. However, such request cannot be considered again and again. In the circumstances, it does not appear to me that any breach of the provisions under the said G.R. is committed by the respondents.

8. It cannot be forgotten that transfer is an incidence of service and after a particular period the employee has to be shifted at some different place. It is further well settled that the Government employee cannot ask for a particular post or a particular place for his transfer. In the circumstances, no error can be noticed in the impugned order.

9. After considering the facts and circumstances involved in the present matter, it does not appear to me that any case is made out by the applicant for causing interference in the impugned order. The O.A. is devoid of any substance, therefore, deserves to be dismissed and is accordingly dismissed, however, without any order as to costs.

**VICE CHAIRMAN**

**Place : Aurangabad**

**Date : 04.09.2023.**