

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO. 665/2012.

Raju Laxminarayan Misal,
Aged about 54 years,
Occ- Service,
R/o Wing "C", Ashtavinayak Aptt.,
Near Govt. Milk Dairy,
Chandrapur.

Applicant.

-Versus-

1. The State of Maharashtra
Through its Secretary,
Department of Public Health,
Mantralaya, Mumbai-32.
2. The Director of Health Services,
Mantralaya, Mumbai-32.
3. Chief Executive Officer,
Zilla Parishad, Chandrapur.
4. District Health Officer,
Zilla Parishad, Chandrapur.

Respondents.

Shri Jayant Aloni, Learned Advocate for the applicant.
Shri D.M. Kakani, Ld. C.P.O. for respondent Nos. 1 & 2.
Miss Richa Inamdar, Advocate holding for Mrs. Neeta Jog,
learned counsel for respondent No.3.
None for respondent No.4.

Coram:- The Hon'ble Shri Justice A.P.Deshpande,
Vice-Chairman

Dated:- 4th January 2013.

Oral order

Heard Shri Jayant Aloni, the learned Counsel for the applicant, Shri D.M. Kakani, the learned C.P.O. for the respondent Nos. 1 and 2 and Miss Richa Inamdar, Advocate holding for Mrs. Neeta Jog, the learned counsel for respondent No.3. None appears for respondent No.4.

2. By filing the present O.A., the applicant has challenged the order of transfer, transferring him from Chandrapur to Nagpur vide order dated 30th May 2011. At the time of transfer, the applicant had completed about eight years' of stay at Chandrapur and ^{thus} had already completed the normal tenure of posting. The ground on which the impugned order of transfer has been challenged in the present O.A. is that, though the order of transfer is dated 30th May 2011, the applicant came to be relieved as late as on 30th July 2012, i.e. in middle of the academic session. Fact remains that there is no interim order operating in the O.A. and it is an admitted position that the applicant had already joined at Nagpur where he was

transferred under order dated 30th May 2011. The challenge raised in the O.A. is rendered academic, having regard to the fact that the applicant has already joined at the transferred place after completing eight years of posting at Chandrapur. No doubt, fault lies with the Zilla Parishad, who did not relieve the applicant immediately and relieved the applicant after almost 1 ½ years of the date of passing of the transfer order by the State Government. Thus in substance, the challenge in the O.A. is to the relieving order and not to the transfer order.

3. Having regard to the fact that the applicant has already joined at Nagpur, I do not propose to interfere with the transfer order, as the same would result in disturbing some other person who must have joined in place of the applicant at Chandrapur. At this stage, the learned counsel for the applicant submits that he has very many personal difficulties in reconciling with the order of transfer, posting him at Nagpur and hence a limited request is made to direct the State to consider the representation of

the applicant, a copy of which is filed at Annexure A-6 of the O.A. Having regard to the facts and circumstances narrated hereinabove, though I dismiss the O.A., I deem it appropriate to direct the State Government to consider the applicant's representation dated 11.8.2012, a copy of which is filed at Annexure A-6 at an early date. O.A. stands disposed of in above terms.

sd/-

(Justice A.P.Deshpande)
Vice-Chairman

Pdg