

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 259 of 2017
WITH CIVIL APPLICATION No.23 of 2018 (S.B.)

Smt. Manisha Yashwant Tirpude,
Aged about 36 years,
Occ. Public Health Nurse,
Office of District Health Officer,
Zilla Parishad, Yavatmal.
resident of Rambhaji Nagar,
Waghapur Road, Yavatmal.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Public Health Department, Mantralaya,
Mumbai-32.
- 2) The Director,
Directorate of Health Services,
Arogya Bhavan, Saint George Hospital
Premises, P. Dmello, Mumbai-1.
- 3) The Deputy Director,
Health Services, Akola.
- 4) The Civil Surgeon,
Nurses Training Centre,
General Hospital, Yavatmal.
- 5) The District Health Officer,
Zilla Parishad, Yavatmal.

Respondents

Shri Vishal Anand, Advocate for the applicant.

Shri M.I. Khan, learned P.O. for the respondent nos.1 to 4.

Shri M.L. Vairagade, Advocate for respondent no.5.

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGMENT

(Delivered on this 25th day of June,2018)

Heard Shri Vishal Anand, learned counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 4 and Shri M.L. Vairagade, Id. counsel for R-5.

2. In the O.A. the applicant has requested that the order dated 31/05/2016 issued by respondent no.2 whereby the applicant has been transferred to the office of District Health Officer, Zilla Parishad, Yavatmal be modified and instead he be posted at Nurses Training Centre, General Hospital, Yavatmal. It is also prayed that the applicant has filed representation dated 19/03/2017 for such modification and change in the posting to respondent no.2, but the same has not yet been considered and therefore the respondent no.2 be directed to decide said representation. During the pendency of the application, the applicant has filed Civil Application No.23 of 2018 for appropriate direction to the respondents for such change as requested by him and both these applications are being decided in this case.

3. The applicant was appointed as a Staff Nurse by respondent no.2 vide order dated 28/03/2002 and she joined her services at General Hospital, Gadchiroli where she worked till

November,2006. Thereafter, she was promoted to the post of Public Health Nurse and was posted at Sub-District Hospital, Pandharkawada, Dist. Yavatmal where she worked till March,2014 and was further transferred to General Hospital, Wardha in March,2014 and where she worked there till October,2016.

4. Vide order dated 31/05/2016 the applicant has been transferred to the office of District Health Officer, Zilla Parishad, Yavatmal by the respondent no.2. She has joined her services at the office of respondent no.5 on 01/11/2017 and is working there even at present.

5. According to the applicant, on 14/03/2016, 14/06/2016 and thereafter on 19/03/2017 she has filed representations to the respondent no.2 and requested that the order dated 31/05/2016 as regards her transfer to the office of District Health Officer, Zilla Parishad, Yavatmal be modified and she be posted at Nurses Training Centre, General Hospital, Yavatmal. However her request has not been considered and hence she was constrained to file this O.A.

6. The respondent nos. 2 and 3 in the reply-affidavit have justified the order of the applicant dated 31/05/2016. It is stated that the applicant has been transferred as per her willingness at the Head Quarter, Yavatmal and she cannot insist that she shall be posted on a

particular post. The applicant has miserably failed to demonstrate any ground to show that the transfer order dated 31/05/2016 is vitiated.

7. It is not disputed that the applicant has been transferred from Wardha to Zilla Parishad, Yavatmal as per order dated 31/05/2016 as per her own request and in fact the applicant has not challenged this order. On the contrary, she has accepted the transfer and has joined at Zilla Parishad, Yavatmal. It seems that as per her own request vide representation dated 14/03/2016 (Annex-A-2) the applicant has been transferred to Yavatmal Head Quarter and therefore the applicant cannot have any grievances that she shall be posted at a particular post. I have also perused the representations filed by the applicant. Perusal of the said representations show that there is absolutely no reason given as to why the applicant was desirous to be posted in Nurses Training Centre, General Hospital, Yavatmal and that seems to be the reason as to why the respondent no.2 might have ignored the said representations. The respondent no.2 cannot be forced to decide the representations merely because the applicant has filed such representations particularly when no reason has been made out for the modification and also particularly when the applicant was posted on her own request at Yavatmal. No malafides are even alleged. Considering in these circumstances, I do

not find any force in the petition and without any reason the applicant seems to have filed this O.A. In view thereof, the following order :-

ORDER

- (i) The O.A. stands dismissed.
- (ii) Accordingly, the C.A. also stands dismissed.
- (iii) No order as to costs.

Dated :- 25/06/2018.

**(J.D. Kulkarni)
Vice-Chairman (J).**

dnk.