

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No.551 of 2021 (S.B.)

Dattaprabhu Ramji Pimpale,
aged about 46 years, Occupation: Service(Senior Clerk),
R/o C/o R.A. Muley, Lakhala, Washim,
Tah.& Dist. Washim.

Applicant.

Versus

- 1) The State of Maharashtra,
through it's Principal Secretary, Public Health Department,
Mantralaya, Mumbai- 32.
- 2) The Director of Health Services-2,
Old Central Building, Pune.
- 3) The Deputy Director of Health Services,
Akola Division Akola.
- 4) District Malaria Officer, Washim,
Tah. & Dist. Washim.

Respondents.

Shri S.N. Gaikwad, Advocate for the applicant.

Shri A.M. Khadatkhar, learned P.O. for the respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 24/01/2024.

JUDGMENT

Heard Shri S.N. Gaikwad, learned counsel for the
applicant and Shri A.M. Khadatkhar, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was appointed as a Junior Clerk in the year 1996. The applicant had sought inter-division transfer and he was posted at Umarkhed, District Yavatmal. The applicant came to be transferred from Kolhapur to Akola Division in the year 2001. Thereafter, the applicant was transferred at various places. The applicant was promoted on the post of Senior Clerk and posted him in the office of District Malaria Officer, Yavatmal. Thereafter, the respondent no.3 has considered the seniority of applicant and granted him promotion on the post of Assistant Superintendent as per order dated 23/03/2021. The promotion order shows that the respondent no.3 had given posting at Rural Hospital, Bibi, District Buldhana. The applicant could not join at the said place and he refused the promotion order. Thereafter, the applicant made application dated 18/06/2021 requesting the respondents to consider his grievances and post him on promotional post at Sub District Hospital, Umarkhed or Pusad. Therefore, he approached to this Tribunal for the following reliefs –

*“(i) allow the instant original application with costs;
(ii) be pleased to direct the respondent No.4, i.e., the Deputy Director, Health Services, Akola Division, Akola to consider the request of applicant for change in placement of posting and decide the representation dated 18.06.2021 (Annexure-A7) & 29.06.2021 (Annexure-A8) and posted him at Sub-District Hospital Umarkhed or Pusad.”*

3. The O.A. is strongly opposed by the respondents. It is submitted that the applicant himself had given application dated

02/06/2021 by which he has refused the promotion. The services of the applicant are transferable. He was transferred on promotion in Buldhana District, but he had not joined. Therefore, he cannot claim the promotion. His request was accepted by the respondents by not giving promotion to him. Thereafter, the applicant did not join at Rural Hospital, Bibi, District Buldhana. Hence, the O.A. is liable to be dismissed.

4. During the course of submission there is no dispute that representations dated 18/06/2021 and 29/06/2021 were not decided by the respondents. No prejudice will cause to the respondents if the direction is given to decide the same. Hence, the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to decide the representations / applications of the applicant dated 18/06/2021 and 29/06/2021 within a period of three months from the date of receipt of this order.
- (iii) No order as to costs.

Dated :- 24/01/2024.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 24/01/2024.