

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 782 of 2021 (S.B.)

Dr. Mahesh S/o Sadashiv Manwar,
Aged about 45 years, Occ. Service,
R/o House No.17, Ghanshyam Nagar,
Umarsara, Yavatmal, Dist. Yavatmal-01

Applicant.

Versus

- 1) The State of Maharashtra,
through its Principal Secretary
Public Health Department, 10th floor,
B-Wing, G.T. Hospital Complex Building,
Mumbai-32.
- 2) Chief Executive Officer,
Zilla Parishad, Civil Lines, Yavatmal.
- 3) Deputy Director, Health Services,
Akola Circle, Ratanlal Plot,
District Women's Hospital Premises, Akola-444 001.
- 4) Dr. Smita Ramesh Petkar,
Aged about Major, Occ. Service,
Office of Medical Officer,
Ayurvedic Hospital, Jivanapur,
Taluka Kuhi, Dist. Nagpur.

Respondents.

Shri R.M. Fating, Advocate for the applicant.
Shri V.A. Kulkarni, learned P.O. for respondent nos.1 and3.
S/Shri S.S. Bhalerao, A.D. Girdekar, Advocates for resp.no.2
S/Shri N.D. & T.N. Thombre, Advocates for respondent no.4.

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

Dated :- 01/08/2022.

JUDGMENT

Heard Shri R.M. Fating, learned counsel for the applicant, Shri V.A. Kulkarni, learned P.O. for respondent nos.1 and 3, Shri S.S. Bhalerao, learned counsel for respondent no.2 and Shri N.D. Thombre, learned counsel for respondent no.4.

2. The applicant was working as a Medical Officer at Primary Health Centre, Bhambora, Taluka Ghatanji, District Yavatmal. He has committed misconduct. He was not remaining present at the headquarters. He has also committed other misconduct, therefore, he was suspended vide order dated 4/2/2021. Thereafter he was transferred to Yavatmal on his own request vide order dated 24/8/2021 (A-15,P-44).

3. The applicant has filed this O.A. for cancellation of suspension order dated 04/02/2021. By order dated 24/08/2021 (A-15,P-44) one Dr. Smita R. Petkar (R/4) was transferred from Jiwanapur, Tq. Kuhi, District Nagpur to Public Health Centre, Mardi, Tq. Maregaon, District Yavatmal on her request and that order was modified vide order dated 30/8/2021 (A-1,P-20) and she has been posted from Public Health Centre, Mardi, Tq. Maregaon to Yavatmal.

4. Subsequently after revocation of suspension, the applicant is reinstated to Murdgaon, Tq. Deoli, District Wardha as per order dated 14/12/2021 (A-16E,P-49V).

5. The learned counsel for the applicant has pointed out the Govt. G.R. dated 11/02/2015 and G.R. dated 09/04/2018. As per his submission, once the transfer order is issued, then it cannot be modified. The learned counsel for applicant has submitted that modified transfer order dated 30/08/2021 transferring the respondent no.4 from PHC, Mardi, Tq. Maregaon to Yavatmal is liable to be quashed and set aside and subsequent order dated 14/12/2021 (A-16E,P-49V) by which the applicant is posted to Murdgaon, Tq. Deoli, District Wardha is also liable to be quashed and set aside.

6. As per the submission of learned P.O. and learned counsel for respondent no.4 after revocation of suspension, the applicant was reinstated /posted to Murdgaon, Tq. Deoli, District Wardha as per order dated 14/12/2021 (A-16E,P-49V).

7. Perused the impugned order dated 14/12/2021. From the order, it appears that the suspension of the applicant was revoked on 14/12/2021 and he was reinstated / posted at Murdgaon, Tq. Deoli Dist. Wardha on the post of Medical Officer.

8. The applicant has joined at Murdgaon, Tq. Deoli Dist. Wardha. The respondent no.4 has also joined at Yavatmal. No stay was granted during the pendency of O.A. Moreover, the relief for revocation of suspension for claiming in this O.A., it appears that the applicant had filed another O.A. No. 823/2021. In that O.A., order was

passed on 08/10/2021 and suspension of the applicant was revoked. It was the duty of applicant not to press the prayer no. 15 (ii) in this O.A. It appears that no stay was granted in this O.A. and therefore another O.A. was filed.

9. The respondent no.4 has already joined at Yavatmal. The applicant has also joined at Murdgaon, Tq. Deoli Dist. Wardha, i.e., after revocation of the suspension order. Hence, nothing survives in this O.A. Therefore, the O.A. is disposed off. No order as to costs.

Dated :- 01/08/2022.

(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 Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 01/08/2022.

Uploaded on : 01/08/2022.

*ok