

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.32 OF 2019

DISTRICT : SANGLI

Dr. Dattatray Rajaram Jadhav.)
Age : Adult, Residing at Dattarang Apartment,)
2864, B, Javahar Nagar, Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through Principal Secretary,)
Public Health Department, Mantralaya,)
Mumbai.)
2. Director of Health Services.)
State of Maharashtra, Arogya Bhavan,)
1st Floor, St. George's Hospital Compound)
Near CST Station, Mumbai 400 001.)
3. Deputy Director of Health Services.)
Kolhapur Circle, Central Admin. Building,)
Kasaba Bawda Road, Near DSP Office,)
Kolhapur 416 003.)
4. Dr. Pravin Jaykumar Nandre.)
Age : Adult, Working as Health Officer,)
Shegaon, Tal.: Jat, Dist : Sangli.)...**Respondents**

Mr. D.V. Sutar, Advocate for Applicant.

Mr. A.J. Chougule, Presenting Officer for Respondents.

CORAM : SHRI A.P. KURHEKAR, MEMBER-J

DATE : 17.01.2019

JUDGMENT

1. The present Original Application has been filed by the Applicant challenging transfer order dated 17th December, 2018 pertaining to transfer of Respondent No.4 by which he was posted as Taluka Health Officer, Shirala, District Sangli. Thus, the Applicant cannot be said aggrieved person to challenge the said transfer order.

2. The Applicant has approached this Tribunal by filing this application contending that, in 2013 while he was serving as Medical Officer at Primary Health Centre, Bagni, the Applicant was also working there and was senior to him. In 2013, the Applicant had filed the private criminal complaint against Respondent No.4 on the allegation that, while Respondent No.4 was working as a Medical Officer at Bagni, he had forged false record pertaining to Delivery Register and also supplied false information and thereby committed offences under Section 408, 409, 417, 465, 566, 468, 471 & 34 of Indian Penal Code. The Applicant had filed three private Criminal complaint cases against Respondent No.4 in the Court of Judicial Magistrate, Islampur. The learned Magistrate directed Police to investigate the complaints under Section 156(3) of Code of Criminal Procedure. The Police registered FIR and the matter is under investigation till date.

3. On the above background, the Applicant has filed the present application challenging the transfer of Respondent No.4 to Shirala on the ground that, as Village Bagni comes within the jurisdiction of Shirala where the Respondent No.4 is now transferred, he will tamper with the evidence, and therefore, his posting at Shirala is inappropriate. The Applicant filed representation dated 16.05.2018 before the Government, but the same is not considered.

4. As such, on the apprehension that Respondent No.4 will tamper the evidence in view of his transfer as Taluka District Health Officer, Shirala, the Applicant has challenged the transfer of Respondent No.4. When the specific query was made to the learned Advocate for the Applicant as to how the present application is maintainable all that he submitted on the complaints of Applicant, the offences are registered against Respondent No.4, and therefore, he apprehends tampering of evidence by Respondent No.4, and therefore, the transfer of Respondent No.4 needs to be quashed. Except this, no other ground is forthcoming in support of challenge to the transfer order.

5. Thus, it is quite clear that the Applicant is not aggrieved person as the transfer relates to Respondent No.4. Therefore, the application itself is not maintainable. In so far as his apprehension of tampering of evidence by Respondent No.4 is concerned, he is at liberty to avail other available remedy as may be permissible to him. At any rate, this cannot be the ground to challenge the transfer of Respondent No.4. Suffice to say, the Applicant has no *locus standi* to file the present application.

6. For the aforesaid reason, the Original Application is dismissed summarily without issuing notice to the Respondents. No order as to costs.

Sd/-
(A.P. KURHEKAR)
Member-J

Mumbai
Date : 17.01.2019
Dictation taken by :
S.K. Wamanse.