

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

DIST : MUMBAI

ORIGINAL APPLICATION NO.804 OF 2019

Dr. Kalyan Shriniwas Deshpande,)
Aged 57 years, Occ. Medical Officer)
(without posting), Yerwada Central)
Prison, Pune6, R/o. Officers Qut.No.5,)
Yerwada Central Prison, Pune.)...**Applicant**

Versus

The State of Maharashtra, through)
Principal Secretary, Public Health Devel.)
Mantralaya, Mumbai 32.)...**Respondents**

Shri G. A. Bandiwadekar, Advocate for the Applicant.

Ms S. P. Manchekar, Chief Presenting Officer for the Respondents.

CORAM : Shri A.P. Kurhekar, Member-J

DATE : 20.09.2019.

ORDER

1. At the very outset, it is regret to note that despite various orders passed by this Tribunal by time to time, no posting order is issued and the Applicant is out of work for more than five months due to sheer negligence on the part of administration.

2. By order dated 31.05.2019, the Applicant was transferred from the post of Medical Officer, Yerwada Central Prison, Dist. Pune to Medical Officer, Shelpimpalgaon, Tal. Khed, Dist. Pune. The Applicant was accordingly relieved from his post. However, when he went to join at the place of posting given to him, he was told that another person namely Dr. Rajendra Mohite was already joined on 20.10.2018 by order dated 11.10.2018. Therefore, District Health Officer, Zilla Parishad, Pune forwarded the report to the Government on 29.07.2019 for issuing fresh necessary orders. Thereafter, the Applicant made representation on 30.07.2019 for posting. However, till date no action is taken.

3. On the above background, when the matter was taken up for admission, the Tribunal has directed to learned C.P.O. to file affidavit of Principal Secretary, Public Health Department to explain the situation.
4. The Principal Secretary, Public Health Department accordingly filed Affidavit on 13.09.2019 and tendered unconditional apology and admits that there is failure on part of his office to verify the fact before issuance of order of transfer. He further submits that file is under process for issuing fresh posting orders. Therefore, matter was adjourned for issuance of appropriate orders. But till date no orders are issued.
5. Today, learned C.P.O. submits that the file is in process and necessary orders will be passed soon.
6. It is appalling to note that employee is kept out of posting for more than four months without work which is loss of public money as he will be entitled to the salary without doing any work because of lapses on the part of administration. It appears that the Respondents are not taking the orders passed by the Tribunal seriously and the Tribunal is inclined to allow the O.A. with cost.
7. However, learned C.P.O. submits that Tribunal should not impose cost and assures that the Respondents will pass appropriate orders soon.
8. The Tribunal hope that the Respondents would realize the seriousness of the matter and pass appropriate orders without loss of time.
9. In view of above, Original Application is disposed of with directions to the Respondent to pass appropriate orders about posting of the Applicant within two weeks from today.
10. No order as to costs.

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

