

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 925 OF 2015

DISTRICT : THANE

Dr Ujjwala Prakash Durgude,)
Occ – Medical Officer, presently without)
Posting since 25.6.2015, though)
Posted at District Civil Hospital, Thane,)
Dist-Thane.)...**Applicant**

Versus

1. The State of Maharashtra)
Through Principal Secretary,)
Public Health Department,)
Mantralaya, Mumbai 400 032.)
2. The Director of Health Services,)
Arogya Bhavan, St. Georges)
Hospital Campus, Near C.S.T,)
Mumbai.)
3. The Dy. Director of Health Services)
Mumbai Circle, Thane.)
4. The District Civil Surgeon,)
District Civil Hospital, Thane.)...**Respondents**

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Shri J.S Deshmukh, learned advocate for the Applicant.

Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 01.03.2016

ORDER

1. Heard Shri J.S Deshmukh, learned advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.
2. Learned Advocate Shri Deshmukh stated that in para 12.1 of the affidavit in reply filed by the Respondents on 17.12.2015, it is stated that the Applicant can be posted to any of the post which are vacant as per Annexure R-3 to the said affidavit. Learned Advocate Shri Deshmukh stated that the Medical Officer, Group-B at Ghatghar Lift Project, Chaude, Thane is vacant and as per the affidavit of the Respondents the Applicant may be directed to be posted there.
3. The Applicant is without a posting since 25.6.2015. I am really surprised that neither the Government nor the Director of Health Services is in any hurry to ensure that a proper posting is given to the Applicant. It is absolutely clear that the Applicant is without posting for no fault of her. In fact, it can be said that this situation has arisen because of

the undue hurry shown by Respondent no. 2 in filling the vacancy where the Respondent no. 1 has posted the Applicant. As per the undertaking given in the said affidavit in reply in para 12.1 by the Respondent no. 1 showing willingness to accommodate the Applicant in any of the vacant post in Exh. R-3 and the Applicant has shown willingness to be posted at Chaude, Thane, it is directed that the Applicant be posted in the vacant post of Medical Officer, Ghatgar Lift Project, Chaude, Thane. The said order will be issued within a period of two weeks from today. Learned Advocate Shri Deshmukh stated that the Applicant has been without posting for last more than 9 months and that she should be paid pay and allowances for the said period. It is directed that in case the Applicant makes an application in this regard for treating the said period as compulsory waiting, the Respondents no 1 & 2 may take a decision on the same within a further period of four weeks.

4. With these directions, Original Application stands disposed of. No order as to costs.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai

Date : 01.03.2016

Dictation taken by : A.K. Nair.