

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 587 OF 2023**

**(Subject:- Transfer)**

**DISTRICT:-NANDURBAR**

**Dr. Manlal S/o. Digambar Shelte,** )  
Age :46 years, Occ. : Service as )  
Medical Officer at Group-B at PHC )  
Kusumwada, Tq. Shahada, )  
Dist. Nandurbar. )  
R/o. Vijay Nagar, Shahada, )  
District- Nandurbar. )  
Cell No. 9423288763. ) **APPLICANT**

**V E R S U S**

- 1. The State of Maharashtra** )  
Through: The Secretary, )  
Public Health Department, )  
G.T. Hospital Building Sankul, )  
8<sup>th</sup> Floor, Mantralaya, Mumbai-1. )
- 2. The Directorate of Health Services** )  
Maharashtra State, Aarogya Bhavan, )  
Saint Georjes compound, )  
P.D' melo Road, Mumbai-1. )
- 3. The Deputy Director of Health Services,**)  
Super specialty Hospital Campus, )  
Shalimar Square, Nashik, Dist. Nashik.)
- 4. The District Health Officer,** )  
Zilla Parisahd, Nandurbar )  
Dist. Nandurbar. ) **RESPONDENTS**

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**APPEARANCE** : Shri S.D. Joshi, learned counsel for  
the applicant.  
: Shri D.M. Hange, learned Presenting  
Officer for the respondent authorities.  
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**CORAM** : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE** : **03.04.2024.**  
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### **ORAL - ORDER**

Heard Shri S.D. Joshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities finally with consent at admission stage.

2. By impugned order dated 09.06.2023, the applicant came to be transferred from Health Sub Centre Kusumwade, Tq. Shahada, Dist. Nandurbar to Primary Health Centre, Chulwad, Tq. Akrani, Dist. Nandurbar ( in the same district).

3. Admittedly, the applicant has not filled-up the form calling upon the employee to exercise the options, in the category of couple convenience. However, before his impugned transfer order dated 09.06.2023, the applicant has submitted the application on 23.05.2023 (Annexure 'A-5') to retain him at Sub Centre Kusumwade, Tq. Shahada, Dist. Nandurbar for the reason that his wife is serving as Sub-Teacher in private school.

4. It is an admitted position that so far as the transfer on the ground of couple convenience as per G.R. dated 09.04.2018 is concerned, the spouse if serving in the private institute, the same cannot be taken into consideration for transfer/retention on the ground of couple convenience.

5. By interim order dated 11.07.2023 passed by this Tribunal, the respondents are directed to permit the applicant to discharge his duties on his existing post. In view of same, the applicant has already completed one year after his impugned transfer of the year 2023 and now, the general transfer of the year 2024 are due in the month of May-June, 2024.

6. In view of above, the applicant if submits his options afresh, the respondent authorities may consider it in the annual general transfer of the year 2024 on it's own merits and in accordance with law. With these observations, the Original Application is disposed of. No order as to costs.

**MEMBER (J)**

**Place:-Aurangabad**

**Date : 03.04.2024**

SAS O.A. 587/2023(S.B.) Transfer