

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.572 OF 2013
(Promotion)**

DISTRICT : BEED

Smt. Vijaya Baburao Malave,)
Age:45 years, Occu. Service)
R/o. Shivaji Nagar, Georai,)
Tal. Georai, District. Beed.)...**Applicant**

V E R S U S

1. **The State of Maharashtra,**)
Through its Secretary,)
Public Health Department,)
Mantralaya, Mumbai-32.)
2. **The Deputy Director of**)
Health Services, Latur,)
Tal. & Dist. Latur.)
3. **The Superintendent of Health Service,**)
Beed, District Beed.) **....Respondents.**

**Shri R.D. Khadap, learned Advocate holding for
Shri S.S. Thombre, learned Advocate for the Applicant.**

**Smt. Priya R. Bharaswadkar, learned Presenting Officer for the
Respondents.**

**CORAM : SHRI B.P. PATIL, ACTING CHAIRMAN
SHRI P.N. DIXIT, VICE CHAIRMAN (A)**

RESERVED ON : 19.9.2019.

PRONOUNCED ON : 20.09.2019.

PER : SHRI P.N. DIXIT, VICE CHAIRMAN (A)

ORDER

1. Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

Brief facts of the case are as follows:-

2. The Applicant was earlier working in the Zilla Parishad and her date of appointment is 8.8.1988. On 30.06.2005, she was repatriated to the establishment of the Respondent No.2. She was transferred on the condition of Zero Seniority. On 9.07.2013, she was promoted as Staff Nurse (Exh.'D'). On 29.8.2013, her promotion was cancelled (Exh. 'E'). Being aggrieved by the same, the Applicant has filed this Original Application with the prayer to quash the impugned order dated 29.8.2013.

3. The Applicant has submitted that no show cause notice was issued to her and without giving hearing to her, the impugned order is issued which is in violation of principles of natural justice.

4. The Respondent Nos.2 and 3 have filed their affidavit-in-reply and contested the submission made by the learned Advocate for the Applicant. The Respondents have submitted that the Applicant was repatriated on the principle of Zero Seniority and she was eligible to be considered from the date of joining i.e. from 8.2.2005 in his establishment. However, on the basis of wrong information provided by the Medical Superintendent, the promotion order was issued erroneously.

5. The affidavit-in-reply further submits that as soon as the error was detected, the Deputy Director had taken the action of reverting the Applicant as per the provisions of seniority. The Respondents further submit that it was bonafide mistake and the Respondent No.2 did not want to perpetuate the erroneous action and therefore issued the reversion order.

6. We have seen the record tendered by the Respondents. The same mentions that the Applicant had joined in Z.P. on 8.8.1988. The Applicant joined in the establishment of Respondent No.2 on 8.2.2005. Hence, the order of her promotion on the basis of wrong information was erroneous. The decision therefore to revert the Applicant has been taken as per the provisions of seniority.

7. The Applicant has failed to demonstrate any sound reason to justify her contention that the reversion is arbitrary and illegal.

8. In view of the foregoing, the impugned order does not warrant any interference from this Tribunal. The Original Application is therefore, without any substance and devoid of merit. The Original Application is therefore dismissed. No order as to costs.

(P.N. DIXIT)
VICE CHAIRMAN (A)

(B.P.PATIL)
ACTING CHAIRMAN

PLACE :- AURANGABAD

DATE :- 20.09.2019

Sas. O.A.572/2013