

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 07/2023(S.B.)**

Dr. Sunita D/o Yadunath Dixit,  
(Dr.Sunita W/o Pravin Gaur),  
Aged about 55 years,  
Occupation : Service,  
R/o. Balaji Apartment, Vidya Nagar,  
Nagpur Road, Wardha, Dist. Wardha.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through the Secretary,  
Health Department,  
Mantralaya, Mumbai-32.
2. The Deputy Director,  
Public Health Services,  
Nagpur Division, Nagpur.
3. The District Civil Surgeon,  
General Hospital, Wardha.

**Respondents**

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Shri N.D.Thombre, Ld. counsel for the applicant.  
Shri S.A.Sainis, Ld. P.O. for the respondents.

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**Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**

**Dated:- 27<sup>th</sup>April, 2023.**

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**JUDGMENT**

Heard Shri N.D.Thombre, learned counsel for the applicant and Shri S.A.Sainis, learned P.O. for the Respondents.

2. The case of the applicant in short is as under.

The applicant was appointed on the post of Child Specialist in open category on 08.06.2005. The applicant has joined in General Hospital, Wardha on the post of Medical Officer (Child Specialist). Since the initial date of appointment the present applicant has been working sincerely. In the year 2016 the applicant was transferred on the same post to the General Hospital, Amravati, however after three months she again came to be transferred on the same post General Hospital, Wardha. The applicant has completed her age of 55 years and she is on the verge of retirement. The Respondent no.1 vide transfer order dated 11.11.2022, transferred the services of the applicant to the establishment of Deputy Director, Health Services, Mumbai which is purely administrative post. The applicant was directed to relieve on 15.11.2022. It is the case of the applicant that it is a mid-term transfer and therefore prayed to quash and set aside the impugned transfer order dated 11.11.2022.

3. The O.A. is strongly opposed by the respondents. The respondents have not filed any reply but respondents have filed some documents which show that the applicant is already relieved on

15.11.2022. It is submitted in the communication dated 13.04.2023 that the applicant was working at Wardha since 2005. She has completed 17 years at Wardha. She was transferred along with other Medical Officers.

4. During the course of arguments learned counsel for the applicant has pointed out communication dated 12.04.2023. Learned counsel for the applicant has submitted that the post on which the applicant is transferred is now abolished. He has pointed out representation of the applicant dated 17.04.2023. Both documents are marked Exhibit-X and X-1 for the purposes of identification. Learned counsel for the applicant has submitted that the applicant is not getting the salary because the post is abolished.

5. Learned P.O. Shri S.A.Sainis has submitted that in the similar matter Bench at Aurangabad has dismissed the O.A. No.1001/2022 dated 28.11.2022. Learned counsel for the applicant submits that said order is challenged before the Hon'ble High Court.

6. There is no dispute that the applicant is already relieved and she has joined at Mumbai on the transferred post. As per the submission of applicant that post is abolished and she is not getting the salary. The applicant may recover salary amount along with interest from the respondents. The applicant has already joined at the transferred place.

The similar matter is decided by the MAT, Bench at Aurangabad and it was dismissed.

6. The ground raised by the applicant is mid-term transfer. From the perusal of transfer order dated 11.11.2022, it is clear that the applicant is not only person, the other 17 Medical Officers are transferred from one place to other. As the applicant is already joined at Mumbai at her transferred place. Learned counsel for the applicant has pointed out that she has joined at the transferred place without prejudice to her right. **Hence, the O.A. is liable to be dismissed.** Therefore, the following order is passed.

**ORDER**

- 1) The O.A. is dismissed.
- 2) The applicant is at liberty to claim the salary from the respondents from the date of her joining at the transferred place.
- 3) No order as to costs.

(Justice M.G.Giratkar)  
Vice Chairman

Dated – 27/04/2023  
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde  
Court Name : Court of Hon'ble Vice Chairman .  
Judgment signed on : 27/04/2023.