

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 254/2023 (S.B.)

Mrs. Jayashree W/o Chandrashekhar Charde,
Aged 54 years,
Occupation : Service, R/o Plot No. 17,
Deonagar, Khamla Road, Nagpur.

Applicant.

Versus

1. State of Maharashtra,
Through its Principal Secretary,
Public Health Department,
10th Floor, G.T. Hospital Campus
Building, New Mantralaya, Fort,
Mumbai-01.
2. Commissioner of Public Health Department,
"Arogya Bhawan", St. Georges Hospital Campus,
CST, Mumbai-01.
3. Deputy Director of Public Health Services,
Nagpur Region,
Mata Kacheri Compound,
Sraddhanand Peth, Nagpur.

4. Shri S.Y. Jiwane,
Aged Major, Occupation : Service,
R/o Office Superintendent,
Daga Memorial Hospital, Gandhibag, Nagpur.

Respondents

Shri N.D.Thombre, Ld. Counsel for the applicant.
Shri A.M.Ghogre, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri M.A.Lovekar, Member (J).

Dated: - 23th August 2023.

JUDGMENT

Judgment is reserved on 21th August, 2023.

Judgment is pronounced on 23th August, 2023.

Heard Shri N.D.Thombre, learned counsel for the applicant
and Shri A.M.Ghogre, learned P.O. for the respondents.

2. Case of the applicant is as follows. By order dated
26.09.200 (Annexure A-1) the applicant was promoted from the post of
Assistant Superintendent to the post of Superintendent. By order dated
03.02.2023 (Annexure A-3) she was transferred from Rural Hospital,
Samudrapur, District Wardha to Sub District Hospital Chimur, District
Chandrapur. On 03.02.2023 itself the applicant made a representation
(Annexure A-2) that she be posted at Daga Memorial Hospital, Nagpur
on the post which had fallen vacant on 31.01.2023. Respondent no.4

was below the applicant in the list of promotees. He was working at Daga Memorial Hospital, Nagpur. He was promoted with the applicant to the post of Superintendent and retained at the said Hospital. This posting order was served on respondent no.4 by hand on 06.02.2023 and on the same day he took charge of the promotional post. Posting order on promotion was not mailed to the applicant. Composite order of postings of promoted persons should have been issued instead of issuing the same piecemeal. Hence, this O.A. for following relief.

i) Direct the Respondent No.3, Deputy Director of Public Health Services, Nagpur to post the Applicant at Nagpur on the post of Office Superintendent by partially modifying the Promotion Order dated 3/2/2023 at Annexure No.A-3;

3. Stand of respondent no.3 is as follows. The applicant was relieved on 21.02.2023 to join on the promotional post. As per order dated 27.04.2023 passed by this Tribunal representation of the applicant dated 24.02.2023 was considered and rejected (communication dated 08.06.2023 at pp.27/28). As per order dated 26.06.2023 passed by this Tribunal viability of posting the applicant on the post at Daga Memorial, Hospital, Nagpur which will fall vacant on 31.10.2023 on retirement of respondent no.4, was considered and this request, too, could not be

acceded to since it was likely to cause difficulties for the administration (communication dated 03.07.2023 at pp.29/30) Choice posting cannot be insisted upon as a matter of right. For these reasons the O.A. deserves to be dismissed.

4. I have referred to the grounds on which the applicant tried to assail posting of respondent no.4 on promotional post at Daga Memorial Hospital, Nagpur. These grounds shall not suffice to attribute malafides or to draw an interference of preferential treatment to respondent no.4. In his reply respondent no.3 has categorically pleaded –

The Sub-District Hospital, Chimur, Distt- Chandurpur is a 100 bed hospital and total 98 posts in Class-1 to Class-4 cadres are sanctioned in the said institution and the post of Administrative Officer in the said hospital is vacant. It is specifically pointed out that, 1 post of Office Superintendent is sanctioned and that post is vacant from 01.06.2022, there is an urgent need of Office Superintendent for daily administrative establishment and clerical as well as health care work of the hospital. Therefore, according to the needs of the administration and the hospital, the applicant was posted at Chimur.

Respondent no.3 has further pleaded-

From the date of reliving the applicant she has not joined at her posting on promotion which shows conduct of the applicant is very irresponsible in nature.

For the reasons discussed hereinabove the impugned order cannot be interfered with. **The O.A. is accordingly dismissed with no order as to costs.**

(M.A.Lovekar)
Member (J)

Dated – 23/08/2023
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 Member (J).
Judgment signed on : 23/08/2023.
and pronounced on : 23/08/2023.