

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 583/2023(S.B.)**

Balaji S/o Sitaram Pawar,  
Aged about 50 yrs.; Occ. : Service,  
R/o Quarter No.35, Medical Colony,  
Medical Complex, Gadchiroli.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Principal Secretary,  
Public Health Department,  
10<sup>th</sup> Floor GT Hospital Campus Building,  
New Mantralaya, Fort Mumbai-01.
- 2) Director of Public Health,  
Directorate of Health Services,  
Central Building, Pune – 411 001.
- 3) Deputy Director of Health Services,  
Nagpur Region, Mata Kacheri Compound,  
Shradhanand Peth, Nagpur.
- 4) Civil Surgeon,  
District Hospital,  
Gadchiroli – 442 605.

**Respondents**

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Shri N.D.Thombre, Ld. Counsel for the applicant.  
Shri H.K.Pande, Ld. P.O. for the respondents.

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

**Dated: - 15<sup>th</sup> September 2023.**

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### **JUDGMENT**

**Judgment is reserved on 13<sup>th</sup> September, 2023.**

**Judgment is pronounced on 15<sup>th</sup> September, 2023.**

Heard Shri N.D.Thombre, learned counsel for the applicant and Shri H.K.Pande, learned P.O. for the respondents.

2. Case of the applicant is as follows. Since 28.03.2016 the applicant was working at District Hospital, Gadchiroli which is Naxal / Tribal area, as Office Superintendent. While giving choices / options for transfer at the time of annual general transfers of 2023 he sought retention / extension at Gadchiroli due to serious ailments of his mother and wife, made a representation to that effect and attached to it medical certificates and recommendation of respondent no.4 that his work was satisfactory (Annexure A-1). Yet, contrary to G.R. dated 09.04.2018 (Annexure A-3), the impugned order (Annexure A-2) dated 13.06.2023 transferring him from District Hospital, Gadchiroli to District Hospital, Wardha was passed which cannot be sustained for the

aforestated reasons. On 13.06.2023 itself the applicant made a representation (Annexure A-6) for extension of one year to which no heed was paid. Hence, this O.A..

3. Stand of respondents 2 and 3 is as follows. The applicant had worked at Gadchiroli for more than seven years and thereafter the impugned order was passed. He was overdue for transfer. Instead of giving sufficient options the applicant only sought extension (at page 51). There were complaints against the applicant which were enquired into by a Committee. The Committee submitted its report dated 07.11.2022. Said report was considered by respondent no.3 while rejecting representation of the applicant dated 20.04.2023. Transfer being an incidence of service, the impugned order, having regard to facts of the case, cannot be faulted.

4. The applicant has relied on the following Clause of G.R. dated 09.04.2018-

८) अवघड क्षेत्रातील बदलीपात्र कर्मचाऱ्याने, त्याची बदलीच्या ठिकाणाहून बदली न करण्याची विनंती केल्यास संबंधित कर्मचाऱ्याची त्या ठिकाणाहून बदली न करता कार्यरत पदावर त्यांना मुदतवाढ देण्यात यावी. मात्र, मुदतवाढ देण्यापूर्वी संबंधित कर्मचाऱ्याने त्या ठिकाणी समाधानकारक काम केले असून त्याच्या कामाबाबत कोणतीही तक्रार नाही, याची खात्री बदली प्राधिकरणाने करणे आवश्यक राहिल. अशी मुदतवाढ जास्तीतजास्त ५ वर्षांच्या सेवा कालावधीपर्यंत राहिल. ५ वर्षांपेक्षा अधिक सेवाकालावधी

होत असल्यास संबंधित कर्मचाऱ्यांची ज्या पदावर कार्यरत आहे, त्या पदावरून पुढील सर्वसाधारण बदल्यांच्या वेळी बदली करण्यात यावी.

5. It is a matter of record that the applicant was working at Gadchiroli since 28.03.2016. His stay at the place was already extended by four years. Hence, no further extension could be claimed as a matter of right. In this factual background the applicant ought to have given sufficient number of options so as to enable his employer to accommodate him suitably. Instead the sole option given by him was for retention. Taking into account all these circumstances 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 – 15/09/2023  
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 : 15/09/2023.  
and pronounced on  
Uploaded on : 18/09/2023.