

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 747/2021(S.B.)

Dr.Geeta D/o Sadashiv Shende,
Aged about 54 yrs. ; Occ. Service,
R/o 301, Anand Sagar Apartment,
Manewada Road, Nagpur .

Applicant.

Versus

1. State of Maharashtra,
Through its Principal Secretary,
Public Health Department,
10th Floor, GT Hospital Campus Building,
New Mantralaya, Fort, Mumbai - 01.
2. Commissioner of Public Health,
Arogya Bhavan,
St.Georges Hospital Compound,
P.D.' Mellow Road, CST,
Mumbai-01.
3. Deputy Director of Health Services,
Nagpur Region, Mata Kacheri Compound,
Shradhanand Peth, Nagpur.
4. District Health Officer,
Zilla Parishad, Civil Lines, Nagpur.

5. Dr.V.N.Bhandikar,
Medical Officer, Primary Health Centre,
Karwahi, Tah. Ramtek,
Dist. Nagpur.

Respondents

Shri N.D.Thombre,Ld. Counsel for the applicant.
Shri S.A.Sainis, Ld. P.O. for the respondents 1 to 3.
Shri S.C.Deshmukh, Ld. Counsel for the respondent no.4.
None for the respondent no.5.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 2nd November, 2023.

JUDGMENT

Heard Shri N.D.Thombre, learned counsel for the applicant, Shri S.A.Sainis, learned P.O. for the Respondents 1 to 3 and Shri S.C.Deshmukh, ld. Counsel for the respondent no.4. None for the respondent no.5.

2. The applicant is working as Medical Officer Group-B. He was illegible for transfer. The applicant is transferred by order dated 24.08.2021 from Ayurvedic Hospital, Tahsil Shivapur, District Nagpur to Allopathy Hospital, Kargaon, Tahsil Bhivapur, District Nagpur. During the course of counselling her request for transfer at Ayurvedic Hospital, Dighori, District Nagpur at vacant post was accepted by the respondents. The respondent no.5 also requested for the said post but, her request was not accepted. In spite of that, the

applicant is transferred from Allopathy Hospital, Kargaon, Tahsil Bhivapur, District Nagpur. The respondent no.5 is transferred at Dighori which was not accepted during the course of counselling. Hence, the applicant approached to this Tribunal to quash and set aside the impugned transfer order by which she is transferred to Kargaon, Tahsil Bhivapur, District Nagpur.

3. This Tribunal has granted stay to the impugned order on 30.08.2021, since then the respondents have not filed any reply.

4. During the course of submission, the learned Advocate Shri N.D.Thombre submits that the respondent no.5 is working at Dighori and her husband is working at Mumbai. As per the recommendation of Civil Services Board, the name of respondent no.5 was not recommended for the posting of Dighori even though she is posted at Dighori. The name of applicant was recommended for posting at Dighori, District Nagpur by the Civil Service Board. But, she is not given posting at Dighori. Hence, the impugned order appears to be not legal and proper. Therefore, the following order is passed.

ORDER

1. The O.A. is allowed.
2. The impugned order is hereby quashed and set aside.

3. The respondents are directed to consider the request of the applicant for posting at Dighori, District Nagpur in the coming general transfer of the year 2024.
4. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 02/11/2023

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 : 02/11/2023.
Uploaded on : 06/11/2023.