

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.662/2016

DISTRICT: LATUR

Dr. Laxman s/o Pundlik Durgawad,
Age : 44 years, Occ : Service as
Medical Officer (Group-A),
R/o. Take Nagar, Ambejogai Road,
Juna Renapur Naka, Latur,
District Latur.

...Applicant

V/s.

1. The Principal Secretary,
Public Health Department,
M.S., Mantralaya, Mumbai-32.
2. The Director of Health Services,
Aarogya Bhavan, St. George Hospital
Campus, Mumbai.
3. The Deputy Director of Health Services,
Latur Circle, Latur. ...Respondents

APPEARANCE: Shri V.B.Wagh learned Advocate for the
applicant.

Smt. Priya Bharaswadkar learned
Presenting Officer for the respondents.

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-05-2017

ORAL ORDER:-

1. Heard Shri V.B.Wagh learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. has filed a short affidavit of Dr. Pandharinath s/o Pandurang Dharurkar, Deputy Director of Health Services, Kolhapur Circle, Kolhapur as per order of the Tribunal dated 24-04-2017. Deputy Director, Health Services, Kolhapur has submitted that the applicant has not joined his duties as per transfer order dated 18-01-2016 and has approached his office for joining duty after 1 year and 3 months, which act on the part of the applicant attracts disciplinary action. Deponent has further stated on oath that the applicant has been allowed to join duties as per direction of the Tribunal.

3. On going through the proceedings, it reveals that the Tribunal has never directed the respondents to allow the applicant to join duty. Tribunal has directed the

applicant to join duty first but he Deputy Director, Health Services, Kolhapur did not permit him to join on the previous occasion, and therefore, explanation was sought from the Deputy Director, Kolhapur under which provisions he had not permitted the applicant to join his duties. This fact shows that the manner in which the Deputy Director, Kolhapur is working. At the first place respondent no.2 has avoided to take any decision at his level on the application submitted by the applicant and now he is shifting his responsibility on respondent no.1 by seeking guidance from him. This type of behavior on the part of government officer like the respondent no.2, having ample powers, is not expected.

4. Learned Advocate for the applicant has submitted that the applicant has challenged the transfer dated 18-01-2016 thereby transferring him to Civil Hospital, Sindhudurg. He has submitted that during the pendency of the O.A. the applicant has made representation dated 11-02-2017 to the respondent no.1 to transfer him on vacant post in view of the G.R. dated 09-02-2017.

Learned Advocate for the applicant has prayed to dispose of the O.A. by giving direction to the respondent no.1 to consider the representation of the applicant dated 11-02-2017 on merit.

5. Learned P.O. has submitted that the applicant has joined his post on 29-04-2017. She has submitted that representation dated 11-02-2017 has been addressed to the respondent no.1 and it is pending with the respondent no.1.

6. Since the applicant has joined posting at Sindhudurg and he does not wish to proceed with the prayer clauses "A" and "B", it would be just and proper to dispose of the O.A. with a direction to the respondent no.1 to take appropriate decision on the representation of the applicant dated 11-02-2017 on its own merit as per rules. O.A. stands disposed of accordingly with no order as to costs.

MEMBER (J)