

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**  
**BENCH AT AURANGABAD.**

**DIST. BEED.**

**ORIGINAL APPLICATION NO. 53/2016.**

(Subject : Transfer)

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Dr. Babasaheb S/o Ramdas Dhakne,  
Age 37 years, Occu. Medical Officer (Group A),  
District Civil Hospital, Beed, Dist. Beed,

-- **APPLICANT**

**VERSUS**

1. The Principal Secretary,  
Public Health Department,  
Mantralaya, Mumbai-32.
2. The Director of Health Services,  
"Arogya-Bhavan", Vth floor,  
St. Georges Hospital Campus,  
Near C.T.S. Mumbai.
3. The Deputy Director of Health Services,  
Latur Circle, Latur.
4. The District Civil Surgeon,  
District Civil Hospital, Beed.

-- **RESPONDENTS.**

**APPEARANCE** : Shri J.S. Deshmukh, learned Advocate for the  
Applicant.

: Smt D.S. Deshpande, learned Presenting Officer  
for the Respondents.

**CORAM** : **Hon'ble Shri JD Kulkarni, Member (J).**

**DATE** : 02.12.2016.

**JUDGMENT**

**(Delivered on this 2<sup>nd</sup> day of November, 2016)**

1. The applicant Dr. Babasaheb Ramdas Dhakne is serving as Medical Officer Group-A in District Hospital, Beed. He was transferred to the said post vide order dated 4.11.2015. The applicant has restricted his claim to the relief "E (b)", which is as under :-

"b) Respondent be directed to assigned duties related to post of Public Health Expert to applicant at District Civil Hospital, Beed as per transfer order dated 16.6.2014."

2. The applicant has no grievance about his transfer at Beed. The applicant has passed Diploma in Public Health on 18.6.2015 and considering his specialized post graduation qualification i.e. Diploma in Public Health (D.P.H.), he has been transferred from the post of Taluka Health Officer, Pathardi Dist. Ahmednagar to Medical Officer Group-A of District Hospital, Beed vide order dated 4.11.2015.

3. The Government has taken policy decision on 16.6.2014 whereby the Respondent no.4 is bound to allot the duties mentioned in the said policy decision to the applicant but the applicant has been assigned with duties of Casualty Medical Officer (C.M.O.), Post-mortem etc. like M.B.B.S. Medical officer and therefore, applicant is claiming that, he shall be assigned with specialized duties as per his qualification.

4. The Respondents no.1 to 4 denied the applicant's claim. According to the respondents the specialized post in the District Hospital Beed is already filled earlier by the Govt. vide order dated 7.10.2015 as per the norms of G.R. dated 16.6.2014 the Govt. desires that in the public interest the applicant shall perform duties of Medical Officer to the extent of specific post and as and when required the applicant should have to follow the directions of the Government. The Govt. has already spent funds and given salary of the post graduation post to the applicant.

5. The applicant has filed rejoinder and submitted that in order to deprive the applicant his legitimate claim, one Dr. Satish Hardas has been given posting, with malafide intention or under colourable exercise of powers, instead of the applicant.

6. Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt D.S. Deshpande, learned Presenting Officer for the Respondents. I have also perused the application, affidavit in reply as well as rejoinder affidavit and various documents placed on record.

7. The only material point is to be considered is “whether the applicant is entitled to assignment of duties related to the post of Public Health Expert only as prayed ? If yes, whether proper duties have been assigned to the applicant?”

8. According to the learned Advocate for the applicant, the applicant was deputed for the specialized training as per Circular dated 31.8.2013 i.e. Annexure A-3. The very intention of this Circular is to see that the Medical Officers are deputed for specialized training and after completion of the training they are posted for specialized post. He further submitted that, in view of the completion of such training/course/diploma the applicant was transferred as per order dated 4.11.2015 from the post of Taluka

Medical Officer Pathardi to District Hospital, Beed. However, he was not assigned the duties as per his specialized qualification.

9. The applicant thereafter filed representation on 22.8.2015 and requested that he shall be assigned with specialized duties. Similar representation was filed on 6.1.2016 also, but nothing was done. On his representation the Govt. has intimated the Director, Health Services, Mumbai to look into the matter. It, however, seems that vide letter dated 7.10.2015 the Govt. has already appointed one Dr. Satish Hardas in District Hospital, Beed.

10. The respondents have placed on record the order of duties assigned to the applicant. The said order is at paper book page no.53. From said order it seems that, the applicant was given duties which are concerned with the subject of specialization. It seems that, there are three Medical Officers of Group-A at Beed i.e. Dr. Mahesh Mane and Dr. Satish Hardas and the applicant.

11. In the rejoinder affidavit the applicant has stated that, the respondent no.4 had personal grudge against him and by hook or crook the respondent no.4 wanted not to give specialized posting to

the applicant and therefore, Dr. Satish Hardas has been posted. It is to be noted that Dr. Satish Hardas was posted on 7.10.2015 i.e. prior to the transfer of the applicant at Beed and therefore, Dr.Hardas is senior at Beed. Except mere allegation that, the respondent no.4 was prejudiced there is nothing on record to show that, respondent no.4 was having personal grudge against the applicant.

12. From the facts and circumstances on record, it is difficult to accept that, the applicant was not given specialized post due to any malice or in order to adjust Dr. Hardas in his place. Dr. Hardas is not made party to the application and therefore, the allegations of favoritism in favour of Dr. Hardas can not be considered in his absence. From the duties assigned to the applicant it seems that, all the duties assigned to him are relating his specialization in public health services. I therefore, do not find any merits in the contention of the applicant.

13. Vide transfer order dated 4.11.2015 all these specialized Medical Officers have been transferred at district places and they are to be assigned duties as per the availability of the posts. When the Senior Doctors are also available the applicant can not say that

injustice has been caused to him. I therefore, I do not find any merit in the original application. Hence the order.

ORDER.

The Original application stands dismissed with no order as to costs.

**MEMBER (J)**

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