

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION NO. 457 of 2019**

- 1) Dr. Shivraj Bapu Ghogare, )  
 Age 37 years, Working as Medical Officer, )  
 Primary Health Centre, Rampur, )  
 Tal. Chiplun, Dist. Ratnagiri, R/o. –do- )...**Applicant**

**Versus**

- 1) The State of Maharashtra, )  
 Through Principal Secretary, )  
 Public Health Dept., Having office at )  
 Mantralaya, Mumbai- 400 032. )
- 2) The Chief Executive Officer, )  
 Through the District Health Officer, )  
 Zilla Parishad, Ratnagiri. )...**Respondents**

Shri A.V. Bandiwadekar, learned Advocate for the Applicant.

Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Shri A.H. Kurhekar, Member-J

DATE : 07.05.2019

**J U D G E M E N T**

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Applicant is working as Medical Officer in Group 'A' at Rampur, District Ratnagiri since 2012. His normal tenure is 03 years and was due for transfer in 2015. However, he was continued in same post till 2018. It is only by order dated 04.12.2018 (mid-term transfer) he has been transferred to Primary Health Centre Varkute, Dist. Solapur with rider that only on posting

of other Medical Officer at Rampur, he will be relieved for joining at Varkute, Dist. Solapur. Though period of more than 05 months is over nobody is posted at his place. It is on this background, he has filed present O.A. and requested to implement transfer order dated 04.12.2018.

3. Normally employees approach or challenge his order of transfer but here is position where employee is approaching this Tribunal to implement the Transfer order passed by the government which is in fact for the government to implement the same. There is no denying that applicant has completed near about 7 years at Primary Health Centre Rampur, District Ratnagiri. His apprehension is that Government may change of Transfer order dated 04.12.2018 and in that event he will be deprived of posting given by him at Primary Health Centre Varkute, Dist. Solapur. It is rather strange to note that Government has not found another Medical Officer for posting in the place of applicant. Government therefore must implement it's order dated 04.12.2018. As now general transfer of 2019 are due it would be appropriate on the part of Respondent No.1 to make posting of another Medical Officer in his place, so that he could be relieved. In view of above at this stage itself O.A. can be disposed of with suitable directions.

### **ORDER**

- (A) O.A. is allowed partly.
- (B) Respondent is directed to implement the order dated 04.12.2018 by posting another medical officer in place of Applicant and he be relieved from his post for joining at Primary Health Centre Varkute, Dist. Solapur within one month from today or in general transfer of 2019, whichever is earlier.
- (C) No order as to costs.
- (D) Hamdast granted.

Sd/-

**(A.P. KURHEKAR)**  
**MEMBER (J)**

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