

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.545 OF 2017

(Subject : Transfer)

District: Mumbai

Dr. Sudhir Vithal Medhekar,)
 Professor and Head of Department,)
 SKIN & V.D. Department,)
 Government Medical College, Aurangabad.)
 Residing at 9A/704, Powai Cosmopolitan CHS Ltd.,)
 MHADA Complex, Rambaug, Powai,)
 Mumbai 400 076.)

.. Applicant

Versus

1. Government of Maharashtra,)
 Through the Secretary,)
 Medical Education & Drugs Departments,)
 9th floor, New Building,)
 Gokuldas Tejpal Building Complex,)
 Dhobi Talao, Mumbai 400 002.)
2. Dr. Mahendra M. Kura,)
 Professor,)
 SKIN & V.D. Department,)
 Shree Bhausaheb Hire Government,)
 Medical College, Dhule.)

.. Respondents

Party / Applicant in person.

Shri N.K. Rajpurohit, the learned Presenting Officer for Respondent No.1.

None appeared for Respondent No.2.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

RESERVED ON : 08.11.2017.

PRONOUNCED ON : 16.11.2017.

J U D G M E N T

1. Heard Party in person and Shri N.K. Rajpurohit, the learned Presenting Officer for Respondent No.1.
2. None has appeared for Respondent No.2.
3. Applicant's prayer (a) and (b) reads as follows :-
 - “(a) This Hon'ble Tribunal be pleased to hold and declare that the impugned order dated 7th June, 2017 as illegal and bad in law and the same to be quashed and set aside.
 - (b) This Hon'ble Tribunal be pleased to pass an order directing respondent no.1, the Govt. to transfer and / or post the Applicant at Grant Govt. Medical College, Mumbai.”

(Quoted from prayer 15(a) and (b) from page 11 of O.A. paper book)
4. Oral and written submissions and averments in the Original Application do not reveal any illegality which may or be the foundation of first prayer (a).
5. In so far as Prayer (b) is concerned, it cannot be held that the Government is not conscious or alive towards applicant's claim.
6. Applicant's request for posting craved by him may still be under consideration. There is nothing on record to show that applicant's request for posting according to his request is rejected. Moreover, a Government servant cannot claim as a matter of right for any particular posting.
7. Applicant does not have enforceable legal right to claim a particular posting or transfer. Since applicant's claim is based on his expectations and not on legal right, hence any direction cannot be issued.
8. Hence, Original Application is disposed. There shall be no order as to costs.

Sd/-
(A.H. Joshi, J.)
Chairman

prk