

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2717 OF 2014

(Shri Laxman Ramkrushnaji Mahure vs. The State of Maharashtra, thr. Secretary, Public Health
Department & Ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
FEBRUARY 06, 2015.**

Heard Shri Vishal Anand, learned counsel for the petitioner and Mrs. Joshi, learned AGP for respondent Nos. 1 to 4.

The order dated 10.06.2014 passed by the Maharashtra Administrative Tribunal, dismissing the Original Application filed by the petitioner, is under challenge.

The petitioner, who is working as Health Assistant at Primary Health Centre, Madani, Tahsil – Babhulgaon, District – Yavatmal, submitted three options while general transfers were to be effected in the year 2014. The said options were at Hiwari, Sawargarh and Yavatmal city. By the impugned order of transfer, the petitioner was transferred to Primary Health Centre at Rampur, District – Ghatanji, District – Yavatmal.

The learned counsel for the petitioner has submitted that he was serving at Primary Health Centre,

Madani, since 2007. The petitioner is due for retirement within a period of one year. It is submitted that though the petitioner had given three options, in the order of transfer it was stated that in terms of the options given, the petitioner was being transferred to Rampur. It is further submitted that no other Health Assistant has been transferred in place of the petitioner at Madani. He has also relied on the affidavit filed on behalf of Respondent Nos. 1 to 4 to point out that even at Hiwari and Sawargarh, post of Health Assistant is still lying vacant. He, therefore, prays for setting aside the impugned order of transfer as confirmed by the Maharashtra Administrative Tribunal.

The learned AGP has supported the impugned order. It is submitted that since 2007 the petitioner is continuing at the same place and he was due for routine transfer.

It is not in dispute that the petitioner had given three options while general transfers in the year 2014 were to be effected. It is further not in dispute that after the general transfer orders came to be passed on 30.05.2014, no transfers have been effected on the posts at Hiwari and Sawargarh.

Considering the fact that the petitioner is to retire within a period of one year, interests of justice will be met with if the following directions are issued:

The petitioner would be at liberty to move appropriate representation to the respondents seeking

his retention at Primary Health Centre, Madani or transfer at the place of options that are mentioned viz., Hiwari, Sawargarh or Yavatmal city.

The respondents are free to consider the placement of the petitioner in the light of options given by him and also whether it is necessary to transfer the petitioner in present facts. This decision can be taken when the general transfers in Summer 2015 are effected.

Till said representation is decided, ad interim order granted by this Court on 13.06.2014 shall continue to operate.

With these directions, writ petition stands disposed of. There shall be no order as to costs.

JUDGE

JUDGE

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