

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2796 OF 2022

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Smt. Mangala Suresh Khadse .. Petitioner
Vs.
The State of Maharashtra and ors. .. Respondents

Mr. Rajendra Sorankar, for Petitioner.
Mr. B. V. Samant, AGP for Respondent-State.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE: MARCH 11, 2022

P.C.:

1. The Maharashtra Administrative Tribunal, Mumbai while considering Original Application No. 27 of 2022 instituted by the petitioner has rejected the prayer for interim relief, but at the same time made the following observations:

"We have considered these submissions of learned C.P.O. However, the Applicant is retiring in October, 2022. Hence, we are of the view that the applicant need not be shifted at different place away from her permanent residence where she is going to settle after her retirement. Thus, we direct the Department to accommodate the Applicant in Thane District or any nearby District of her choice, subject to availability of post of Sister-Tutor."

Hearing of the original application has been adjourned to April 6, 2022 and the respondents have been invited to file their reply affidavit in the meanwhile.

2. An order of transfer from Ulhasnagar Central Hospital to Alibag Government Hospital by order dated December 24,

2021 is under challenge in the original application. The claim of the petitioner is that the said order is in the nature of an order of reversion from the cadre of Matron to Sister-Tutor for which she should have been given prior notice and prior hearing.

3. Since the original application is pending before the Tribunal and granting stay of the order dated December 24, 2021 would result in grant of the principal relief claimed in the original application, we see no reason to accede to the request of learned advocate for the petitioner to stay the impugned order. The original application is pending, and we have no doubt that the Tribunal would consider the question of granting appropriate relief.

4. No case for interference at this stage has been set up and, accordingly, the writ petition is dismissed. There shall be no order as to costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)