

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 826 OF 2023

Dr. Sunita d/o Yadunath Dixit
(Dr. Sunita w/o Pravin Gaur),
aged about 55 years, Occ. Service,
R/o Balaji Apartment, Vidya Nagar,
Nagpur Road, Wardha, District – Wardha.

PETITIONER

.....VERSUS.....

1. The State of Maharashtra,
through the Secretary, Health Department,
Mantralaya, Mumbai – 32.
2. The Deputy Director,
Public Health Services,
Nagpur Division, Nagpur.
3. The District Civil Surgeon,
General Hospital, Wardha.

RESPONDENTS

Shri Bhushan Dafle, Advocate for the petitioner.
Shri A.S. Fulzele, Additional Government Pleader for the respondents/ State.

CORAM : A.S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : FEBRUARY 3, 2023

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned
Counsel for the petitioner.

2. The learned Additional Government Pleader waives notice for
the respondents.

3. The challenge raised in this Writ Petition is to the interim
order dated 30/1/2023 passed by the Maharashtra Administrative

Tribunal refusing to permit the petitioner to resume her duties at her original posting prior to issuance of the order of transfer in terms of the initial order dated 24/1/2023 passed by it.

4. After hearing the learned Counsel for the petitioner, we find that the Tribunal has now fixed the proceedings to enable the respondents to file their reply on 20/3/2023. It has refused the request of the petitioner to join at the original place of posting by accepting the submission made on behalf of the respondents that the petitioner was already relieved.

5. Considering the fact that the Original Application is pending before the Tribunal, we do not find that the present is a proper case to interfere with the aforesaid interim order. Instead, the Tribunal can decide the Original Application filed within a specified period. The learned Counsel for the petitioner, on instructions, submits that without prejudice to the claim as made in the Original Application, the petitioner is willing to join at the place where she has been transferred. That statement is accepted. The petitioner is permitted to join at the place of transfer without prejudice to the challenge as raised to the order of transfer. In the facts of the case, the Tribunal is requested to decide the Original Application No. 7/2023 expeditiously and preferably within a period of eight weeks from the next date of proceedings.

6. The Writ Petition is disposed of in the aforesaid terms. Rule accordingly. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)

SUMIT