

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.701 OF 2022

DISTRICT : JALNA

Raosaheb S/o Anantrao Pallewad,
Age: 48 years, Occu. Service as Constable in
the office of State Excise, Patrur.
R/o: Mahsul Colony, Ambad Choufuli,
Near Pandurang Kirana Store,
Jalna, Dist. Jalna.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through: The Secretary,
Home Department,
Mantralaya, Mumbai-32.

2) The Commissioner,
State Excise Department,
Old Jakat Ghar, 2nd floor,
Shahid Bhagatsing Marg,
Fort Mumbai.

3) The Deputy Commissioner State Excise,
Aurangabad Region, Aurangabad,
Rukmini-Gokul Building,
Opposite Patwardhan Hospital,
Railway Station Road, Aurangabad.

4) The Superintendent of State Excise,
Jalna, Central Administrative building,
2nd floor, room no.2122, Dist. Jalna-431203.

5) Shri A. R. Bijule,
Age: Major, Occ : Service as
ASI in the O/o. Inspector,
State Excise, Ambad, Dist. Jalna.

...RESPONDENTS

APPEARANCE : Shri S.D.Joshi, Counsel for Applicant.
: Shri M.P.Gude, Presenting Officer for the respondent nos.1 to 4.
: Shri V.G.Pingle, Counsel for respondent no.5.

CORAM : JUSTICE P.R.BORA, VICE CHAIRMAN.

DECIDED ON : 24.03.2023.

ORAL ORDER:

1. Heard Shri S.D.Joshi, learned Counsel for the applicant, Shri M.P.Gude, learned Presenting Officer representing respondent nos.1 to 4 and Shri V.G.Pingle, learned Counsel for respondent no.5.

2. The applicant has been recently promoted from the post of Jawan to the post of ASI (State Excise). In the order of promotion dated 01-07-2022 itself it has been clarified that because of the revision in the staffing pattern of the State Excise Department, the posts of Assistant Sub Inspector (ASI) are reduced in comparison to the post of Jawan. It is further stated that as and when such district wise assignments of the posts will take place and if the posts of Assistant Sub Inspector are reduced, the candidates promoted to the post of Assistant Sub Inspector

would be liable to be reverted. The applicant has filed the present application with apprehension that on promotion, the posting which has been given to the applicant there is likelihood of the said posts getting lapsed. It is the further contention of the applicant that the applicant being senior to respondent no.5, the respondent authorities must have given posting to the applicant where the respondent no.5 has been posted. Learned Counsel for the applicant submitted that if any such occasion arises though the applicant is senior in the cadre, there is possibility of his reversion whereas the respondent no.5 is though junior to him since has been given posting on the executive post which is not going to lapse, will enjoy promotion.

3. After having gone through the documents on record, and more particularly, the order dated 01-07-2022, it appears that the apprehension in mind of the applicant is misplaced. Respondents in the said order itself have clarified that in the event of reduction of the posts of Assistant Sub Inspector, the reversion will take place in accordance with the seniority, meaning thereby that the person who is at the bottom in the seniority list will be

reverted first and in that order the reversions will take place.

4. It is not in dispute that the applicant is senior to respondent no.5. In the circumstances, there is no possibility that without reverting respondent no.5, the reversion of applicant would take place. In the circumstances, it appears that the apprehension in the mind of the applicant is misplaced and in fact in view of the order dated 01-07-2022, nothing more is required to be stated. O.A., therefore, stands disposed of with the aforesaid observations. No order as to costs.

VICE CHAIRMAN

Place : Aurangabad
Date : 24.03.2023.