

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 890 OF 2023**

**DISTRICT : AHMEDNAGAR**

**Dr. Jalindar s/o Kashinath Titame, )**  
Age. : 54 years, Occ. Service (as )  
Assistant Commissioner : under order, )  
of Promotion as Deputy Commissioner, )  
R/o Taluka Mini Veterinary Polytechnic, )  
Akole, Dist. Ahmednagar. ) .. **APPLICANT**

**VERSUS**

- 1. The State of Maharashtra, )**  
Through its Principal Secretary, )  
Agriculture & Animal Husbandry, )  
Dairy Development & Fisheries )  
Department, Annex Mantralaya, )  
Hutatma Rajguru Chowk, )  
Madam Cama Road, Mumbai- 32.)
- 2. The Commissioner, )**  
Animal Husbandry, )  
Maharashtra State, )  
Opposite Spicer Memorial College,)  
Aundh, Pune 411 067. )
- 3. The Deputy Commissioner, )**  
District Animal Husbandry, )  
Ahmednagar. ) .. **RESPONDENTS**

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**APPEARANCE** : Ms. Preeti Wankhade, Counsel for  
Applicant.  
: Shri M.S. Mahajan, Chief Presenting  
Officer for respondents.

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**CORAM** : **JUSTICE P.R. BORA, VICE CHAIRMAN.  
AND  
VINAY KARGAONKAR, MEMBER (A)**  
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**DATE** : **30.10.20223.**  
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**ORAL - ORDER**

1. Heard Ms. Preeti Wankhade, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The applicant has preferred the present Original Application taking exception to his posting at Gondia in Nagpur Division. It is the contention of the applicant that the request of the applicant made well in advance seeking for allotment of Revenue Division Pune has been rejected by the respondents in spite of the fact that there were vacant posts available in Pune Division at that time. The applicant has therefore filed the present Original Application praying for direction against the respondents and more particularly to respondent no. 1 to modify the order of promotion of the applicant dated 25.9.2023 by giving him modified posting on the promotional post, which is available in Pune Division.

3. The contentions raised in the O.A. and prayers made therein have been opposed by the respondents. The respondents have filed their affidavit in reply resisting the contentions raised in the O.A. It is the contention of the respondents that according to the 'Maharashtra Government Allotment of Revenue Divisions for appointment by nomination and promotion to the posts in Group-A and Group-B (Gazetted and Non-gazetted) Rules, 2021' (for short 'Division Allotment Rules, 2021') considering the merit of the applicant, he came to be allotted Nagpur Division after his promotion. It is further contended that at the relevant time 02 posts were vacant at Nagpur Division, however, one officer working at Nagpur was retained on her request at Nagpur and as such the post at Gondia, where the said officer was transferred had become vacant and the said post came to be allotted to the applicant on his promotion. It is contended that the respondents did not commit any error so as to cause interference in the impugned order.

4. We have carefully considered the submissions made on behalf of the applicant, as well as, the respondents. The main grievance of the applicant is in respect of allotment of Nagpur Division. After having gone through the relevant rules it

however does not appear to us that in allotment of Revenue Division there can be noticed any error on part of the respondents. No doubt, the employees are asked for giving their choice for revenue division, however, it does not mean that the applicant concerned cannot be allotted any division other than the choice given by him. It all depends on the vacancy position, as well as, rotation system, which is being followed in allotment of revenue division. As per the said system, it appears that the applicant came to be allotted Nagpur Division and accordingly posting has been given to him.

5. The applicant is certainly having right to seek change in the revenue division and is not precluded from making representation for seeking such modification. If it is the contention of the applicant that he must be given Pune Division since posts are vacant there, he can make a representation, which can be independently decided, however, it cannot be said that in allotment of Nagpur Division to the applicant, the respondents have committed any error.

6. During the course of the argument the learned counsel for the applicant sought to contend that the applicant would have certainly joined at Nagpur, accepting the Nagpur

Division, but he ultimately did not join because the posting was given to him on the post at Gondia and not on any of the two posts, which were shown vacant at Nagpur.

7. From the documents, it appears that 02 posts were shown vacant in the Division of Nagpur at Nagpur itself. It is also true that the post at Gondia was not shown vacant. We, however, cannot accept the submission made on behalf of the applicant that the aforesaid was the reason for his not joining on the post at Gondia for the reason that there is no such pleadings in the O.A. From the pleadings in the O.A. it appears that the reluctance of the applicant for joining Nagpur division was not for the reason that he was not given posting at Nagpur, but at Gondia. What transpires from the material on record is the fact that the applicant was striving to get Pune division. As has come on record, initially the applicant had recorded the choice for Nashik Revenue Division and subsequently he sought the allotment of Pune Division instead of Nashik. However, as has been argued on behalf of the respondents, the divisions are allotted by following the rotation system and in rotation Nagpur Division came to be allotted to the applicant. After the Revenue Division is allotted, the Government servant is expected to join the post vacant in the

said Revenue Division. The Government servant cannot insist that he must be given posting of his choice in the said division or else he would not join.

8. As such, we see no justification in the contentions raised and the prayer made by the applicant. *Prima facie* we see no illegality or irregularities in allotment of Nagpur Division to the applicant. There appears no error on part of the respondents in allotting the applicant the Nagpur Division and to post him on the vacant post in the said division at Gondia. The applicant has failed in making out any case for accepting his request. The Original Application, therefore, fails and is accordingly dismissed.

9. Before concluding, we however, wish to observe that the applicant is not precluded from pursuing his request for allotment of Pune Division to him and the respondents shall consider the said request on its own merits and shall not reject it only on the ground that the present Original Application has been dismissed by the Tribunal.

10. There shall be no order as to costs.

**MEMBER (A)**

**Place : Aurangabad**

**Date : 30.10.2023**

ARJ O.A. NO. 890 OF 2023 (PROMOTION)

**VICE CHAIRMAN**