

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 220 OF 2010
WITH
MISC APPLICATION NO 358 OF 2013
IN
ORIGINAL APPLICATION NO 220 OF 2010**

DISTRICT : KOLHAPUR

1. Shri Jagannath Nana Bhivdarne,)
Occ : Government service, presently)
Working as Assistant Superintendent)
Class-III, in the office of Taluka)
Agriculture Officer,)
Panhala, Hotel Suryaprabha,)
Panhala, Dist-Kolhapur.)
Also in the capacity of the President)
Maharashtra State Agriculture)
Department Clerical Cadre)
Association, Pune [Government)
Recognized],)
R/o: Shrinath Kripa,)

- R.S No 786/1B, Ramanand Nagar Rd)
Opposite Oasis Apartment,)
Kolhapur.)
2. Shri Anant Vishnu Tambde,)
Presently working as Senior Clerk)
In the office of Joint Director of)
Agriculture, Konkan Division,)
Wagale Estate Road No. 16-Z,)
Thane 400 604)
R/o: Sai Tower, B-701,)
Near old MHB Colony, Gorai Road,)
Borivali (W), Mumbai 400 091.)
3. Shri Shivaji Yashwant Bidkar,)
Presently working as Assistant)
Superintendent, Class-III,)
In the office of Taluka Agriculture)
Officer, Shirol, Dist-Kolhapur)
4. Shri Arun Vasant Rao Shinde,)
Presently working as Senior Clerk,)
Class-III, in the office of)
Divisional Joint Director of)
Agriculture, Kolhapur Line Bazar,)
Kolhapur 416 003.)
At Post : Talsande,)
Tal: Hatkanangle,)
Dist-Kolhapur.)
5. Shri Namdeo Anandrao Chavan,)
Presently working as Clerk,)

- Class-III, in the office of)
Regional Agricultural Ext.)
Management Training Institute,)
Line Bazar, Gate No. 4,)
Kasba Bavda, Kolhapur 416 606)
R/o: House No. 1282, D-Ward,)
Hareshwar Peth, Kolhapur.)
6. Shri Vijaysing Ganpati Pawar,)
Working as Assistant Superintendent)
In the office of Taluka Agriculture)
Officer, Radhanagari, Dist-Kolhapur)
R/o: Chanakya Nagar, Plot no. 6,)
Ingale Mal, Kolhapur.)
7. Shri Ashok Vithalrao Gaikwad)
Presently working as Superintendent)
In the office of District)
Superintending Agriculture Officer,)
3rd floor, Trade Centre, Station Rd,)
Kolhapur.)
R/o: B. No. 139, Plot No. 18/3,)
Panchashil Colony,)
Panchagaon, Tal-Karveer,)
Dist-Kolhapur.)
8. Shri M.S. Samrat,)
Presently working as Clerk in the)
Office of District)
Superintending Agriculture Officer,)
3rd floor, Trade Centre, Station Rd,)

- Kolhapur.)
R/o: 1011/1B, Mangal Kalas Apt,)
Santosh Colony, Sane Guruji Marg,)
Kolhapur-12.)
9. Shri Rama Irappa Nerle,)
Presently workin gas Senior Clerk)
In the office of Taluka Agriculture)
Officer, Shirol, Dist-Kolhapur.)
R/o: At Post Herwad, Tal-Shirol,)
Dist-Kolhapur.)...**Applicants**

Versus

1. The State of Maharashtra)
Through Addl. Chief Secretary,)
Agriculture, Animal Husbandry,)
Dairy Development and Fisheries)
Department, Mantralaya,)
Mumbai 400 032.)
2. The Addl. Chief Secretary,)
Finance Department, Mantralaya,)
Mumbai 400 032.)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicants.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

Shri R.B. Malik (Member) (J)

DATE : 18.09.2014

PER : Shri Rajiv Agarwal (Vice-Chairman)

ORDER

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicants and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. The Misc Application no. 358/2013 filed in the present Original Application is seeking directions to the State Government to consider the representation of the Applicants regarding revised staffing pattern in the Agriculture Department of the State. By order dated 7.7.2014, this Tribunal directed that the Misc Application be heard along with the Original Application.

3. The present Original Application has been filed by the Applicants who are working in the Clerical cadre, i.e. Clerk, Senior Clerk, Assistant Superintendent / Superintendent in the Agriculture Department of the State Government. The relief sought is to quash the Government's decision dated 22.5.2009 which approved revised Organogram (staffing pattern) for the State Agriculture Department. Another relief sought is that the post of Tracers be included in the clerical cadre and after present incumbents in the posts of Tracers retire, the posts may be filled from Clerical cadre.

4. Learned Counsel for the Applicants argued that the State Government introduced one window system for Agriculture Department by consolidating three wings, viz Agriculture, Horticulture & Soil Conservation. By G.R dated 27.3.2001, 5025 posts out of 33051 posts were surrendered. By G.R dated 22.5.2009, the number of posts retained was reduced to 27461. Before the G.R dated 27.3.2001 was issued, the strength of clerical cadre were 4468, which were reduced to 3493 after G.R dated 27.3.2001 was issued. By G.R dated 22.5.2009, Government established 239 new offices and introduced 14 new schemes. However, the number of posts in clerical cadre were not increased though there was substantial increase in the work load of that cadre. Learned Counsel for the Applicants contended that a meeting chaired by the Chief Secretary of the State was held on 22.1.2008, in which it was decided that the cadre of Tracers in the Agriculture Department was no longer required. It was decided to give some other works to Tracers and not to fill the posts as and when they became vacant due to retirement etc. There are 1976 posts of Tracers in the overall sanctioned strength of 27461, out of which 686 posts were vacant. Association of Clerical cadre has represented on 25.11.2008 to the Commissioner of Agriculture and the Respondents regarding adding vacant posts of Tracers to the Clerical cadre. However, no decision was taken. The State Government has appointed a Committee on 26.9.2011 to suggest revised Organogram for the State Agriculture Department. The Associations of employees are represented on this Committee. The Association of Clerical cadre has submitted a representation on 24.11.2011 to the said Committee. Learned Counsel for the Applicant contended that the Committee may be directed to consider the

aforesaid representation and communicate the decision to the petitioner within a given time frame.

5. Learned Presenting Officer (P.O) argued that the present Original Application is completely misconceived. The State Government has been fixing staff strength of the Agriculture Department from time to time after studying the manpower requirement. Last such exercise was carried out after a detailed review in the high level Secretaries Committee meeting on 5.9.2008 and G.R dated 22.5.2009 was issued. Learned Presenting Officer stated that by Government Circular dated 24.11.2011, another Committee headed by Commissioner of Agriculture was set up to study staffing pattern of the Department of Agriculture and suggest changes. Various officers and Staff Associations including the Maharashtra State Agriculture Department, Clerical Cadre Association, Pune have been called to give their views before the Committee. Learned Presenting Officer argued that the Committee will submit its report after considering all the suggestions and other material and thereafter Government will take appropriate decision about the staffing pattern in the Agriculture Department. Learned Presenting Officer argued that there is no merit in the Original Application and the Misc Application.

6. We find that a meeting of the High Level Secretaries Committee headed by the Chief Secretary of the State was held on 5.9.2008 to consider inter alia the question of cadre of Tracers in the Agriculture Department. It was informed by the Secretary of the Agriculture Department, that the cadre of Tracers have been declared as 'dying cadre' and the posts becoming vacant in this cadre will not

be filled in future. 561 posts of Tracers were surrendered. The minutes of the aforesaid meeting are appended to the sur-rejoinder filed on 22.12.2010 on behalf of the Respondents. We are unable to appreciate the contention of the Applicants that the posts in Tracers cadre should be added to Clerical cadre. The Respondents have categorically denied that any decision was taken in the meeting held on 5.9.2008 to convert the Tracer's cadre into Clerical cadre. Para 3 of the affidavit in reply dated 2.7.2010 reads:-

“It is not true that the Committee has taken decision regarding cadre of Tracers to be converted into clerical cadre.”

Even before G.R dated 22.5.2009 was issued, representatives of all Staff Association / Unions were consulted about the staffing pattern. This is mentioned in para 10 of the affidavit in reply, which reads:-

“After review the Government issued the G.R dated 22.5.2009. The staff and offices are same. However, office wise strength of staff was reshuffled within total sanctioned 27,461 posts. Before reorganization of staffing pattern, the meeting of the representatives of all Unions were held and the views and representatives of unions have been considered.”

From this, it is clear that the Unions of employees have been consulted before the decision of revising staffing pattern was taken by G.R dated 22.5.2009. There is nothing on record to suggest that the revised staffing pattern was faulty in any way. Even the union to which the Applicants belong was consulted. We do not find any merit

in the demand of the Applicants that the posts becoming vacant due to wasting of cadre of Tracers be added to Clerical cadre.

7. The matter regarding further re-organization of the Agriculture Department is being studied by a Committee headed by the Commissioner of Agriculture, Maharashtra State. The Union to which the Applicants belong has submitted its representation to the aforesaid Committee. We do not understand the need of our direction to the Committee to consider the said representation. The Committee is consulting all unions of different cadres of employees. Why the Committee should communicate its decision to the Applicants is also not understood. In fact, whether the Applicants have any locus in the matter itself is open to question.

8. Deciding the staffing pattern is a matter of policy decision, which is to be taken by the Government. We do not find merit in the prayers of the Applicants. The Original Application and Misc Application are dismissed with no order as to costs.

**Sd/
(R.B. Malik)
Member (J)**

**Sd/-
(Rajiv Agarwal)
Vice-Chairman**

**Place : Mumbai
Date : 18.09.2014
Dictation taken by : A.K. Nair.**