

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO. 438/2012

Shri. Prakash S/o Sadashiv Meshram
Aged 52 years, Occ : Service
R/o : Gowardhan Nagar,
Near Sai Mandir, Tahsil Tumsar.

Applicant

- **Versus** -

- (1) The State of Maharashtra
Through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai - 32.
- (2) Chief Conservator of Forest (Territorial),
Nagpur Circle,
Near Government Printing Press,
Zero Mile, Civil Lines,
Nagpur.
- (3) Deputy Conservator of Forest,
Bhandara Division, Bhandara.
Near Collector Officer, Bawankar Square,
Bhandara.
- (4) Range Forest Officer,
Tumsar Range, Tumsar.
- (5) Shri. M. M. Sheikh, Forester,
Nakadongri Range, Nakadongri,
Bhandara Division, Bhandara.

Respondents

Shri S. A. Pathak, Advocate for the applicant

Shri D. M. Kakani, C. P. O. for the respondents

**Coram : - The Hon'ble Shri B. Majumdar,
Member(A)**

Dated :- January 4, 2013

ORAL ORDER

Heard Shri. S. A. Pathak, learned counsel for the applicant and Shri. D. M. Kakani, learned C.P.O. for the respondents.

2. The applicant on being promoted as a Forester vide order dated 10-12-2011 was posted as Forester (Tendu), Jamkandri. He joined the promotional post on 30-12-2011. There is another post entitled as Forester, Jamkandri Round. Vide order dated 9-1-2012 he was directed to take over this post as an additional charge. Subsequently, an order was issued on 25-5-2012 vide which Shri. M. M. Sheikh (R-5) was posted against the vacant post of Forester, Jamkandri Round. This was the charge which was additionally held by the applicant in addition to his regular charge as Forester (Tendu). The applicant has challenged the above order dated 25-5-2012 on the ground that the respondents could not have posted respondent no. 5 against

the post of Forester, Jamkandri Round as he was holding the post.

3. The respondents in their reply to the O.A. submit that the applicant, on being promoted as Forester was posted as a Special Duty Forester (Tendu) with Headquarters at Jamkandri and due to some administrative reasons, he was asked to hold the charge of Forester, Jamkandri Round in addition to his regular charge of Jamkandri (Tendu). Thus, the applicant was holding the additional charge of Jamkandri Round and there is no illegality in posting respondent no. 5 against the post of which he was holding the additional charge.

4. As the applicant has been posted against the post of Forester (Tendu) as per the order of promotion dated 10-12-2011 and he continues to hold that post even today, his grievance with regard to taking away of the additional charge of Forester, Jamkandri Round by virtue of the impugned order dated 25-5-2012 is totally misplaced and without any merit. In view of this, the O.A. does not have any merit and the same stands rejected with no orders as to cost.

sd/-

(B. Majumdar)
Member(A)

ayw/-