

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO 529 OF 2019**

**DISTRICT : MUMBAI**

Shri Ladu Zabbu Pawar )  
Working as Assistant Director [Administration/ )  
Liaison, Director General, Information & )  
Public Relations, Govt. of Maharashtra, )  
Mantralaya, Mumbai 400 032. )  
R/o: G-304, Om Shanti CHS, )  
Mauli Nagar, Old Katrap Road, )  
Badlapur [E], Dist-Thane. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through Secretary, General )  
Administration Department [Desk-34A], )  
Mantralaya, Mumbai 400 032. )  
2. The Director General, )  
Information and Public Relations, )  
Govt. of Maharashtra, )  
Mantralaya, Mumbai 400 032. )  
3. The Director [Information/Administration) )  
O/o: Director General, Information )  
and Public Relations, Govt. of )  
Maharashtra, Mantralaya, )  
Mumbai 400 032. )  
4. Smt Nandini S. Ghatge, )  
Assistant Director (Administration), )  
O/o: Director General, )  
Information and Public Relations, )  
Govt of Maharashtra, )  
Mantralaya, Mumbai 400 032. )...**Respondents**

Shri U.V Bhosle, learned advocate for the Applicant.

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

**CORAM** : **Shri P.N Dixit (Vice-Chairman) (A)**

**DATE** : **29.11.2019**

**ORDER**

1. Heard Shri U.V Bhosle, learned advocate for the Applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. The applicant is working as Assistant Director, [Administration/ Liaison), in the establishment of Respondent no. 2 (Director General, Information and Public Relations). Respondent no. 4 is the private Respondent, has been served with copy of the Original Application. However, there is none representing her.

3. On 10.9.2018, in the vacancy of Sr. Assistant Director (Advertisement & News), the applicant was given additional charge on ad hoc basis until further orders. On 2.1.2019, his junior (Respondent no. 4) was given this charge. This communication cancelled his order giving additional charge, (Exh. 'F', page 26).

4. The applicant has assailed the impugned order dated 2.1.2019 and prayed that (1) the same may be quashed and (2) he may be given the additional charge of the post of Sr. Assistant Director (Advertisement & News).

5. Following this communication, the applicant submitted representations on 25.2.2019, 1.3.2019 and 25.4.2019. However, he did not receive reply regarding the same.

6. Learned advocate for the applicant draws attention to the G.R issued on 5.9.2018 (Exh. 'D', page 21). Para 2(1) which mentions that

the additional charge may be given to the senior most officer. The G.R further states that if senior most officer is not given the charge, then reasons may be stated why he is not eligible.

7. Applicant has also enclosed the copy of notings dated 18.12.2018, (Exh. 'G', page 27), which mentions that the charge may be given to Respondent no. 4 instead of the applicant. However, the same does not have mention about the reasons.

8. Applicant further states that as per G.R dated 1.9.2014, the competent authority to issue the orders regarding to whom additional charge should be given rests with the Secretary of the Department. According to him, the same has not been complied with.

9. The Respondents have filed affidavit in reply. The Respondents admit that the representation has not been decided. The fact that no reasons have been mentioned when the charge was given to Respondent no. 4 is apparent from the documents, available at page 26, Exh. 'F'. The decision is also not taken by competent authority.

10. In view of the foregoing and the reasons mentioned in para 9 above, the impugned order dated 2<sup>nd</sup> January, 2019 is quashed and set aside. Respondent no. 1 is directed to decide the representation of the applicant after giving him hearing and recording the reasons. Decision regarding the same should be taken within a period of four weeks and communicated to the applicant within two weeks thereafter.

11. With the above directions, O.A is allowed partly as far as prayer 10(a) is concerned. O.A stands disposed off with no order as to costs.

**Sd/-**  
**(P.N Dixit)**  
**Vice-Chairman (A)**

**Place : Mumbai**  
**Date : 29.11.2019**  
**Dictation taken by : A.K. Nair.**