

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO. 356/2014.

Kedarnath Suresh Joshi,
Aged about 45 years,
Occ-Service,
R/o 42, Vidarbha Premier Housing Society,
Behind Prabhadevi Mangalam, Old Bypass,
Dartunagar, MIDC, Amravati.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Revenue Department,
Mantralaya, Mumbai-32.
2. The Collector,
Amravati.
3. Vidarbha Patwari Sanghatana,
Through its President, having its office at
Sudarshan Chowk, Itwari, Nagpur.
4. Mahadeo Uttamrao Rajurkar, President,
Vidarbha Patwari Sanghatana,
R/o Near Hanuman Mandir,
Rathi Nagar, Amravati.

Respondents.

Shri J.C. Shukla, the Ld. Advocate for the applicant.
Shri M. I. Khan, the Ld. P.O. for the respondent Nos. 1 to 3.
None for the respondent No.4.

**Coram:- B. Majumdar, Vice-Chairman and
Justice M.N. Gilani, Member (J).**

Dated:- 10th July, 2014.

Order

Per: M.N.Gilani, M(J)

The reliefs claimed in this O.A. are thus:

- (A) To direct the respondent Nos. 1 and 2 to derecognize the respondent No.3 Association, till a single retired employee remains as its office bearers.

(B) To direct the respondent No.3 to hold fresh elections for the post of its office bearers from amongst the members who have not yet retired.

(C) It be held that the respondent No.4 is not entitled to hold the post of President of the respondent No.3 Association, since he has retired from the service”.

2. This is arising out of the dispute between the respondent No.3 Association and its members. The main ground is that, the respondent No.3 who retired from Government service, continues to act as a President of the respondent No.3 Association. It is alleged that he is misappropriating the funds of respondent No.3 Association. According to the applicant, the respondent Nos. 1 and 2 should intervene in the matter.

3. The learned counsel for the applicant invited our attention to Rules 29 and 30 of M.C.S. (Conduct) Rules, 1979. This provision deals with granting recognition to the Association of Government servants. It empowers the Government to cancel the recognition, in the event, it is found that the condition specified in the Appendix has been breached.

4. Having considered the nature of dispute arose between the parties and the power of the Government to cancel the recognition of the Association and the provisions of Section 15 of the Administrative Tribunals Act, 1985, we are of the view that the subject matter of this O.A. is not within the domain of the Tribunal.

It is manifest that what is sought to be agitated, does not fall within the ambit of expression “service matter”.

The O.A. is rejected as not maintainable.

(Justice M.N.Gilani)
Member (J)

(B.Majumdar)
Vice-Chairman

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