

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.764 OF 2022**

**DISTRICT: SANGLI  
SUBJECT : POSTING**

Mr. Sharad Subhash Sagare, )  
Age : 49 years, Dob :18.07.1972 )  
Occu : Sub Divisional Engineer at )  
Irrigation Department. )  
R/at. F-1, Kore Corner Building, )  
Vishrambagh, Sangli. )... **Applicant**

**Versus**

- 1) The Superintendent Engineer, )  
Quality Control Circle, )  
Pune Quality Control Circle, )  
Bungalow No.2, Gunvatta Bhavan, )  
Yerwada, Pune 6. )
- 2) Mr. U.R. Pujari, )  
The Executive Engineer, )  
Quality Control Division, Warna Bhavan, )  
Tarabai Park, Kolhapur. )
- 3) Mr. Chetan Vijayanand Mane, )  
SDE at Quality Control Sub Division, )  
Warna Bhavan, Tarabai Park, Kolhapur )... **Respondents**

**Shri Kishor R. Jagdale, learned Advocate for the Applicant.**

**Shri Ashok J. Chougule, learned Presenting Officer for the Respondents.**

**Shri Uday V. Bhosle, learned Advocate for the Applicant.**

**CORAM : A.P. KURHEKAR, MEMBER (J)**

**DATE : 17.11.2022.**

### **JUDGMENT**

1. The Applicant has challenged order dated 20.07.2022 whereby Respondent No.1 gave additional charge for the post of Assistant Engineer Quality Control to Respondent No.3, invoking jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

2. Heard Shri K.R. Jagdale, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondent Nos.1 & 2 and Shri Shri U.V. Bhosale, learned Advocate for the Respondent No.3.

3. In view of submission, small issue posed for consideration is whether order dated 20.07.2012 passed by Respondent No.1 – The Superintendent Engineer giving charge of the Additional post of Assistant Engineer Quality Control, Sangli to Respondent No.3 can be interfered by the Tribunal.

4. Shri A.S. Vanmane was holding charge of Assistant Engineer, Quality Control, Sangli Division. He was granted study leave for two years from 22.07.2022 to 21.07.2024, and therefore his charge was to be kept with somebody else. Respondent No.2 – Executive Engineer, Quality control Division thought he is fit to keep charge of the post of Mr. A.S. Vhanmane with Respondent No.3. Respondent No.3 was working as Sub-Divisional Engineer, Quality Control, Sub Division Kolhapur. Accordingly Respondent No.1 – The Superintendent Engineer by order dated 20.07.204 kept charge of the said post of Quality Control, Sangli with Respondent No.3.

5. Shri K.R. Jagdale, learned Advocate for the Applicant sought to contend that the Applicant being senior to Respondent No.3 in terms of circular dated 05.09.2018, additional charge ought to have been kept with him but it was given to junior person, and therefore the Applicant is aggrieved by it. Thus according to him the order dated 20.07.2012

keeping charge of the said post with Respondent No.3 is in contravention of circular dated 05.09.2015.

6. Per contra, Shri A.J. Chougule, learned Advocate for the Respondent Nos.1 & 2 and Shri U.V. Bhosle, learned Advocate for the Respondent No.3 have pointed out that in terms of circular dated 05.09.2018 itself charge can be given to Junior person for administrative convince and exigencies.

7. The relevant portion of the circular dated 05.09.2018 is as below:-

“२. उपरोक्त परिस्थिती विचारात घेऊन , अतिरिक्त कार्यभार कोणास देण्यात यावा यासंदर्भात खालीलप्रमाणे मार्गदर्शक सूचना देण्यात येत आहेत :-

१) महाराष्ट्र नागरी सेवा (वेतन) नियम, १९८१ मधील नियम ५६ नुसार शासकीय कर्मचा-यांकडे त्याच्या स्वतःच्या पदाव्यतिरिक्त दुस-या पदाचा अतिरिक्त कार्यभार सोपविण्यात येतो. असा हा दुस-या रिक्त असलेल्या पदाचा अतिरिक्त कार्यभार, एकाच प्रशासकीय विभागांतर्गत, प्रशासकीय सोय व निकड लक्षात घेवून शक्यतो त्याच कार्यालयातील, त्याच संवर्गातील सर्वात सेवाजेष्ठ, अनुभवी व कार्यक्षम अधिकारी/कर्मचा-यांकडे सोपविण्यात यावा. जेथे असे अधिकारी/कर्मचारी उपलब्ध नसतील तेथे संबंधित पदाला लागत असलेल्या निम्न संवर्गातील सर्वात जेष्ठ अधिकारी/कर्मचा-यांना अतिरिक्त कार्यभार देण्यात यावा. काही बाबींमुळे सर्वात जेष्ठ अधिकारी/कर्मचारी यांना डावलून नंतरच्या व्यक्तीला अतिरिक्त कार्यभार द्यावयाचा असेल तर सर्वात ज्येष्ठ व्यक्ती अतिरिक्त कार्यभारासाठी का अपात्र आहे त्याची लेखी कारणे अभिटिप्पणीत नमूद करावीत.”

8. It is thus explicit that though normally charge is to be given to the senior person in the same cadre, in exceptional cases for reasons to be recorded the charge can be kept with junior. In this behalf, perusal of record reveals that Respondent No.2 – The Executive Engineer recorded reasons for keeping charge with Respondent No.3 – Mr. C.V. Mane, SDE at Quality Control Sub Division instead of the Applicant. He recorded his opinion that if the Additional charge is kept with the Applicant he may not be able to discharge duties efficiently. He has further noted

that Respondent No.3 is working in Quality Control from 28.08.2018, and therefore has more experience than the Applicant and considering these aspects passed the order for keeping the charge of Mr. A.S. Vhanmane with Respondent No.3 instead of the Applicant. Respondent No.2 being Executive Engineer had an opportunity to observe the performance and capacity of the Applicant as well as Respondent No.3 and if he has recorded subjective satisfaction for keeping Additional charge with Respondent No.3 though junior to the Applicant and recorded reasons for the same, the subjectivity of the satisfaction need not be looked into by the Tribunal. Respondent No.2 – The Executive Engineer is suitable person to see who could be given Additional charge. The Applicant joined in Quality Control in 09.08.2021, whereas, Respondent No.3 joined on 28.08.2018. Thus, Respondent No.3 had more experience in Quality Control work since he is working there from 28.08.2018. The Executive Engineer also observed and also recorded reasons that the Applicant may not be able to discharge duties of Additional post efficiently.

9. Indeed, the Applicant has no vested right much less legally enforceable to ask for Additional charge of another post since it is prerogative of the Head of the Department. In present case Head of the Department i.e. the Executive Engineer has recorded reasons for not giving additional charge to the Applicant which does not affect or alter any service condition of pay and allowances, status etc. of the Applicant.

10. In view of above, I see no reasons to interfere in the impugned order and O.A. deserves to be dismissed. Hence, the following order.

**ORDER**

The Original Application is dismissed with no order as to costs.

**Sd/-  
(A.P. Kurhekar)  
Member (J)**

Place: Mumbai  
Date: 17.11.2022  
Dictation taken by: N.M. Naik.  
Uploaded on: \_\_\_\_\_