

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.592 of 2020

District : THANE

Shri Dayaram Khedya Valvi ,)
Aged 55 Yrs., Working as Naib Tahasildar)
(additional charge with Election Naib Tahasildar,)
Kalyan (regular charge).)
R/o. Shrinarayan Apartment, Shahapur,)
Dist. Thane.) **...Applicant**

Versus

1. The Divisional Commissioner,)
Konkan Division, Navi Mumbai,)
Office at Konkan Bhawan, 1st floor,)
Navi Mumbai – 400 614,)
2. The State of Maharashtra, through)
Additional Chief Secretary (Revenue),)
Revenue & Forest Department,)
Mantralaya, Mumbai 32.)
3. The District Collector, Thane.)
4. The Tahasildar, Tal. Shahapur,)
Dist. Thane.) **...Respondents**

Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant.

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

CORAM : Shri A.P. Kurhekar, Member-J

DATE : 06.08.2021

J U D G M E N T

This O.A. is filed for direction to the Government to give posting to the Applicant as Naib Tahasildar, Shahapur for which he was given additional charge by order dated 29.05.2020.

2. The Applicant was serving as Sr. Clerk at Thane. On promotion, he was given posting as Election Naib Tahsildar, 142-Kalyan (E), Tahsil office, Dist. Thane by order dated 23.01.2019. Thereafter, the Respondent No.1- Divisional Commissioner, Konkan Division, Navi Mumbai by order dated 29.05.2020 gave additional charge of Resident Naib Tahsildar, Shahapur to the Applicant. Later, Tahsildar, Shahapur by report dated 29.07.2020 recommended to Collector to confirm the posting of Applicant as Naib Tahsildar, Shahapur since he is acquainted with local situation of Shahapur. Apart, the Applicant also requested for permanent transfer as Naib Tahsildar, Shahapur and his request was forwarded to the Government as seen from letter from the office of Respondent No.1- Divisional Commissioner, Konkan Division.

3. Thus, since the Applicant was given additional charge of Naib Tahsildar, Shahapur. He claimed relief to give him regular posting for the said post.

4. Learned P.O. submits that by order dated 22.01.2021, the Government has already posted probationary Naib Tahsildar namely Shri Satyajit Chavan as Resident Naib Tahsildar, Shahapur, and therefore, the Applicant's claim cannot be considered. He further submits that the Applicant has no vested right to ask for transfer as Naib Tahsildar, Shahapur since he has not completed his normal tenure.

5. Learned Counsel for the Applicant sought to contend that appointment of Shri Satyajit Chavan was only for six months, and therefore, the Applicant's request for regular transfer as Naib Tahsildar,

Shahapur has to be considered by the Government in view of recommendation made by Tahsildar, Shahapur.

6. Indisputably, the Applicant was not due for transfer on promotion. He was posted as Election Naib Tahsildar, Kalyan (E) in Tahsil office in Kalyan, Dist. Thane by order dated 23.01.2019 since that time post of Resident Naib Tahsildar, Shahapur was vacant. He was given additional charge of the said post which itself does not create any vested right in favour of the Applicant.

7. True, indeed in view of appointment of Shri Satyajit Chavan as Resident Naib Tahsildar, Shahapur by order dated 22.01.2021, the Applicant's additional charge has come to an end. Even if the appointment of Shri Satyajit Chavan was for six months, the fact remains that presently the Applicant is not holding additional charge of Naib Tahsildar, Shahapur. It is always for the executive to determine the suitability of the Government servant for posting at particular place and no Government servant can claim a particular post or place as of right. Only because Tahsildar, Shahapur has recommended for regular transfer of the Applicant as Naib Tahsildar, it has no weight in the eye of law since it exclusively falls within the domain of executive i.e the Government of Maharashtra. The submission advanced by learned Counsel for the Applicant that since the Applicant is due to retire at the end of August 2023, he is entitled for choice posting is de hors of law. The Applicant has absolutely no vested right to ask for particular post i.e. Naib Tahsildar, Shahapur, Thane. Suffice to say, O.A. is totally devoid of any merit and deserves to be dismissed. Hence, the following order :-

ORDER

Original Application is dismissed with no order as to costs.

Sd/-

**(A.P. KURHEKAR)
MEMBER (J)**

Date : 06.08.2021

Place : Mumbai

Dictation taken by :

Vaishali Santosh Mane

Uploaded on :

D:\E drive\VSO\2021\Judgment 2021\August 21\O.A.592 of 2020 transfer.doc