

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.942 OF 2023**

**DISTRICT: SANGLI**

**Subject: Posting**

1. Shri Rajiv Vishwanath Shinde )  
Age 47 years, )  
promoted as Deputy Collector (Revenue) )  
Residence at – Flat No.5, 3<sup>rd</sup> floor. )  
Vitthal Sankul, Near Black Pearl Hotel, )  
Vijaynagar, Sangli 416416. )
2. Smt. Rupali Ramchandra Chougule )  
Age 45 years promoted as )  
Deputy Collector (Revenue) )  
Residence at – ‘Gobindkunj’, Tuteja )  
Apartment, Rajlaxminagar, A/p. Nanded, )  
Tal/Dist- Nanded. )
3. Smt. Vaishali Balaso Patil )  
Age 43 years, )  
Promoted as Deputy Collector (Revenue) )  
Residence at/post Tal Walwa Dist- Sangli. )
4. Shri. Varunkumar Janardhan Sahare )  
Age- 38 years Promoted as Deputy Collector )  
(Revenue), Residence at- In front of )  
Sub Divisional Office, Arjuniinorgaon, )  
Dist- Gonda. )
5. Shri Shivkumar Manohar Awalkanthe )  
Age- 54 years, Promoted as Deputy Collector )  
(Revenue).Residence at- 204, Mokksh )  
Apartment, College Road, Nashik )
6. Shri Shashikant Bibhishan Gaikwad )  
Age- 40 years, Promoted as Deputy )  
Collector (Revenue) )  
Residence at – A-703, Belgrave Square, )  
Lodha Sterling, Kolshet Road, )  
Thane – 400 607 )

7. Shri Sanjay Nivrutti patil )  
 Age- 44 years, )  
 Promoted as Deputy Collector (Revenue) )  
 Residence at – AP-Nave Chavare, )  
 Tal.Hatanagle, Dist. Kolhapur. )
8. Shri. Anil Vasant Daunde )  
 Age- 44 years, promoted as Deputy )  
 Collector (Revenue). )  
 Residence at/post – Fisare Tal Karmala, )  
 District Solapur. )
9. Shri Deepak Santosh Patil )  
 Age- 48 years, )  
 promoted as Deputy Collector (Revenue) )  
 Residence at- Nashik. )
10. Shri. Maheyssh Sagar )  
 Age- 53 years, promoted as Deputy )  
 Collector (Revenue), Residence at- )  
 Manuhar, near Morar Mansion, )  
 Mansoli Dahanu Dist – Palghar. )
11. Shri Gajendra Narendra Patole )  
 Age- 51 years, promoted as Deputy )  
 Collector (Revenue) ) )  
 Residence at : 406, Twilight Co-Op )  
 Housing Society, Raheja Vihar, Tungwa, )  
 Chandiwali, Andheri (E), Mumbai- 400072.)
12. Smt. Anita Shankarrao Bhalerao )  
 Age- 48 years, promoted as Deputy )  
 Collector (Revenue). )  
 Residence at : Plot No. 34, Gurupushpa )  
 Apt. Sharadashram Colony, Aurangabad. )....**APPLICANTS**

**VERSUS**

- 1] State of Maharashtra, )  
 Through the Additional Chief Secretary, )  
 Revenue and Forest Department, )  
 Mantralaya, Mumbai- 400 032. )
- 2) Additional Chief Secretary, )  
 General Administration Department, )  
 Mantralaya, Mumbai – 400 032. )..**RESPONDENTS**

**Smt. Punam Mahajan, learned Advocate for the Applicants.**

**Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.**

**CORAM : Shri Debashish Chakrabarty, Member (A)**

**DATE : 31.01.2024.**

**J U D G M E N T**

1. The Applicants on their promotion from cadre of 'Tahsildars' to cadre of 'Deputy Collectors' have co-jointly challenged the allotment of Revenue Divisions to them by Revenue & Forest Department under 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021' by invoking provisions of 'Section 19' of the 'Administrative Tribunal Act, 1985'.

2. The Applicants were represented by Smt Punam Mahajan, learned Advocate while the Respondents were represented by Smt. Kranti Gaikwad, learned Presenting Officer.

3. The learned Advocate for Applicants stated that Revenue and Forest Department had held meeting of DPC on 02.03.2023 for promotion of Applicants and Others from cadre of 'Tahsildars' and subsequently they came to be promoted to cadre of 'Deputy Collectors' by Government Order of Revenue & Forest Department dated 20.04.2023.

4. The learned Advocate for Applicants further stated that they were informed later on 23.05.2023 about number of 'Vacant Posts' in each Revenue Division and asked to give their preferences for allotment of Revenue Division as per 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021'.

5. The learned Advocate for Applicants contended that the actual number of 'Vacant Posts' in each Revenue Division were not disclosed correctly to Applicants especially in respect of (a) Konkan Division-1 (b) Konkan Division-2 (c) Pune Division and (d) Nasik Division as was required to be done by Revenue and Forest Department under 'Rule 5' and 'Rule 6' of 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021'.

6. The learned Advocate for Applicants then stated that they had submitted representations in this regard on 25.05.2023 to (1) Hon'ble Minister in Charge of Revenue Department and (2) Additional Chief Secretary (Revenue) Revenue & Forest Department; however they were of no avail. The Applicants & Others came to be allotted Revenue Divisions not as per their preferences but were assigned to other Revenue Divisions. The Revenue and Forest Department accordingly issued 'Transfer Orders' dated 05.06.2023 of Applicants & Others. So, the Applicants have been deprived of their entitlement to be allotted Revenue Divisions as per their preferences due to contravention of 'Rule 5' and 'Rule 6' of 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021'.

7. The learned Advocate for Applicant further claimed that at the time of asking preferences from Applicants & Others for allotment of Revenue Divisions on 23.05.2023; the exact number of 'Vacant Posts' which were actually available when DPC was held on 02.03.2023 were not disclosed by Revenue and Forest Department So also the exact number of 'Vacant Posts' as on date of issue of 'Orders of Promotion' which is 20.04.2023 were not made known to Applicants. She went on the contend that several 'Vacant Posts' in cadre of 'Deputy Collectors' in (a) Konkan Division-1 (b) Konkan Division-2 (c) Pune Division and (d) Nasik Division which were actually available not only on the date of meeting of DPC which was 02.03.2023 but also later on the date of issue of 'Orders of

Promotion' on 20.04.2023 were never conveyed to Applicants. She then highlighted the difference in number of 'Vacant Posts' in cadre of 'Deputy Collectors' especially in (a) Konkan Division-1 (b) Konkan Division-2 (c) Pune Division and (d) Nasik Division as was conveyed to Applicants & Others on 23.05.2023 and those which had actually existed on these material dates of 02.03.2023 and 20.04.2023 at the level of respective 'Divisional Commissioners' emphasizing that data of 'Vacant Posts' are based on information received by Applicants under the 'RTI Act 2005'.

8. The learned Advocate of Applicants then pointed out that 'Transfer Orders' under provisions of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005' in respect of many serving 'Deputy Collectors' who are senior to the Applicants came to be issued by Revenue and Forest Department on 11.04.2023, 21.04.2023 and 04.05.2023 but these were done after meeting of DPC held on 02.03.2023 in pre-emptive manner so as to fill up most of the available 'Vacant Posts' especially in (a) Konkan Division-1 (b) Konkan Division-2 (c) Pune Division and (d) Nasik Division. The Applicants were thus systematically deprived from getting any opportunity to give preferences for these 'Vacant Posts' which had to be identified as per 'Rule 5' and 'Rule 6' of the 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non-Gazetted) Rules 2021'.

9. The learned Advocate of Applicants further stated that even after they had been belatedly informed on 23.05.2023 to submit their preferences for allotment of 'Revenue Divisions' several other Transfer Orders of serving Deputy Collectors who are senior to the Applicants came to be issued by Revenue and Forest Department on 31.05.2023, 05.06.2023, 12.06.2023 and 19.06.2023 resulting in almost all 'Vacant Posts' available in (a) Konkan Division-1 (b) Konkan Division- 2 (c) Pune Division and (d) Nasik Division being filled up by Revenue & Forest Department. She argued that adequate number of 'Vacant Posts' of

'Deputy Collectors' as on date of meeting of DPC held on 02.03.2023 should have been earmarked to be made available to the Applicants and the 'Orders of Promotion' dated 20.04.2023 should have been issued accordingly by Revenue and Forest Department.

10. The learned P.O. relied upon the 'Affidavit in Reply' dated 05.09.2023 filed on behalf of Additional Chief Secretary (Revenue) Revenue and Forest Department. She stated that it is not disputed that the DPC meeting was held on 02.03.2023 for promotion of Applicants & Others from cadre of 'Tahsildars' to cadre of 'Deputy Collectors' after completing procedural requirements as per GAD G.R. dated 01.08.2019. The 'Orders of Promotion' of the Applicants & Others came to be issued thereafter on 20.04.2023. She admitted that separate Transfer Orders of Applicants were issued on 05.06.2023 along with allotment of 'Revenue Divisions' by Revenue and Forest Department.

11. The learned P.O. stated that from the meeting of DPC which was held on 02.03.2023 upto issue of 'Orders of Promotion' of Applicants & Others as 'Deputy Collectors' on 20.04.2023, the process regarding 'General Transfer: 2023' of serving Deputy Collectors who are senior to Applicants & Others had already began and was required to be undertaken as per provisions of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (Transfer Act of 2005). Therefore, several Transfer Orders of serving Deputy Collector came to be issued on 11.04.2023; 21.04.2023 and 04.05.2023 with the approval of the 'Competent Transferring Authority'. She further explained this by stating that the 'Civil Service Board' of Revenue and Forest Department in its meeting held on 10.04.2023 regarding 'General Transfer: 2023', had already submitted its recommendations for transfers of serving 'Deputy Collectors' who are senior to Applicants & Others and these proposals were under consideration of the 'Competent Transferring Authority' even before the 'Order of Promotion' of Applicants & Others came to be issued on 20.04.2023. Thus such 'Transfer Orders' had to be issued

subsequently by Revenue and Forest Department after being duly approved by 'Hon'ble Minister-in-Charge of Revenue Department' who is the 'Competent Transferring Authority'.

12. The learned P.O. also stated that as per 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non-Gazetted) Rules 2021', the officers appointed by 'Direct Recruitment' or by 'Promotion' are required to complete minimum of 3 years of service in their allocated 'Revenue Divisions'. Thus, many serving Deputy Collectors who are senior to Applicants & Others and had completed 3 years in their allocated Revenue Division as per provisions of the earlier "Revenue Division Allotment for appointment by nomination and promotion to the posts of Group "A" and Group "B" (Gazetted and Non Gazetted) of the Government of Maharashtra Rules 2015" had become eligible for transfers on request which also had to be considered as per provisions of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. She mentioned in this regard about 'Note' beneath 'Rule 8' of Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021. Hence, such eligible cases of serving Deputy Collectors who are senior to Applicants & Others had to be considered by the 'Civil Services Board' in its meeting held on 10.04.2023 and they were accordingly recommended to be transferred during 'General Transfer, 2023'.

13. The learned P.O. then contended that letter dated 23.05.2023 addressed to Applicants & Others who were promoted from cadre of 'Tahsildar' to the cadre of 'Deputy Collector' on 20.04.2023 was to seek their preferences for allotment of 'Revenue Divisions; so that they could be given 'Transfer Orders'. The Revenue and Forest Department letter dated 23.05.2023 to all newly promoted 'Deputy Collectors' including Applicants was to have them to join on posts of 'Deputy Collectors' which

were actually available at that time of this communication wherein it had been specifically mentioned that there was possibility of change in number of 'Vacant Posts' as simultaneous process of 'General Transfer 2023' was underway under the provisions of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005'.

14. The learned P.O. further stated that holding of DPC meeting as in the case of Applicants & Others on 02.03.2023 was just an initial stage in the elaborate process for promotion of Government Servants. The DPC meeting only examines the suitability of the Government Servants and makes recommendations for promotion of the eligible Government Servants. The 'Orders of Promotion' are issued subsequently only after completion of subsequent stages and procedural formalities including obtaining concurrence of General Administration Department and upon receiving final approval of the 'Appointing Authority'. The meeting of the DPC, therefore, can in no way be construed as entitlement of promotion by any Government Servants. Therefore, for purposes of allotment of Revenue Divisions under the 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021', the date of meeting of DPC held on 02.03.2023 for promotion of Applicants and Others is of no relevance or material consequence with regard to availability of 'Vacant Posts' at that time in cadre of 'Deputy Collectors'. Hence, there was no merit in such contention of Applicants that number of 'Vacant Posts' of 'Deputy Collectors' as on date of meeting of DPC held on 02.03.2023 were required to have been taken into consideration by Revenue and Forest Department for allotment of 'Revenue Divisions'.

15. The learned P.O. further explained with respect to contention of Applicants that they had been deprived of their entitlement of preference of Revenue Divisions that as per 'Note' beneath 'Rule 8' of 'Maharashtra Government Allotment of Revenue Divisions for Appointment by



Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021', the cases of serving 'Deputy Collectors' who are all senior to the Applicants & Others and had been allotted Revenue Divisions as per Revenue Division Allotment for appointment by nomination and promotion to the posts of Group "A" and Group "B" (Gazetted and Non Gazetted) of the Government of Maharashtra Rules 2015 had to be considered because they had become eligible for transfers under the 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005' based on requests after having completed 'Minimum Service' of 3 years in their earlier allotted 'Revenue Divisions'.

16. The learned P.O. further explained that CSB of Revenue and Forest Department in its meeting held on 02.03.2023 had thus rightly considered cases of all such serving Deputy Collectors who were senior to the Applicants & Others and had completed 3 years' of Minimum Service in Revenue Division allotted to them earlier as per Revenue Division Allotment for appointment by nomination and promotion to the posts of Group "A" and Group "B" (Gazetted and Non Gazetted) of the Government of Maharashtra Rules 2015. The meeting of 'CSB' of Revenue and Forest Department on 10.04.2023 was prior to issue of 'Orders of Promotions' of Applicants & Others on 20.04.2023. The 'CSB' had already considered all such cases of serving 'Deputy Collectors' who were senior to Applicants & Others who had become eligible for transfers under the 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005' and accordingly decided to submit their recommendations on 10.04.2023 for consideration of 'Competent Transferring Authority'. Thus in the facts and circumstances stated above it was not possible to set aside some 'Vacant Posts' only for Applicants & Others and shown as being available in letter dated 23.05.2023 of Revenue & Forest Department.

17. The arguments of both learned Advocates for Applicants and learned P.O. were heard at length with regard to interface and interplay of (i) 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021' and (ii) 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005'.

18. The contention of Applicants revolves around the disclosure of exact number of 'Vacant Posts' in the cadre of Deputy Collectors on 3 pertinent dates viz (i) 'Date of holding of DPC Meeting' - 02.03.2023 and (ii) 'Date of issue of Orders of Promotion' - 20.04.2023, and (iii) 'Date of Letter seeking Preferences' -23.05.2023. During the course of arguments by learned Advocate of Applicants and from documents brought on record it is evident that there was indeed large variation in number of 'Vacant Posts' as on (i) 'Date of holding of DPC Meeting' - 02.03.2023, (ii) 'Date of issue of Orders of Promotion' - 24.04.2023 and (iii) 'Date of Letter seeking Preferences' -23.05.2023. The Applicants had under "The RTI Act 2005' obtained information from offices of (i) 'Divisional Commissioner, Konkan Division' on 11.05.2023 and (ii) 'Divisional Commissioner, Pune Division' on 16.02.2023 which do indicate significantly higher number of 'Vacant Posts' of Deputy Collectors as on the date of issue of 'Orders of Promotion' of Applicants & Others on 20.04.2023 as compared to number of 'Vacant Posts' of Deputy Collectors in (a) Konkan Division-1 (b) Konkan Division-2 (c) Pune Division and (d) Nasik Division disclosed later to Applicants & Others by Revenue and Forest Department letter dated 23.05.2023.

19. The case of Applicants thus balances delicately on the fulcrum of inter-se priority which was to be accorded for completion of various stages of allocation of 'Revenue Divisions' under the Maharashtra Government Allotment of 'Revenue Divisions' for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021 which is applicable only on two

occasions in entire service period of all 'Government Servants,' which is either at the time of appointment on (i) 'Nomination' or (ii) 'Promotions' vis-a-vis implementation of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 which is applicable at all times during the entire service period of 'Government Servants'. The weight on either side of the fulcrum are the outcomes in the form of (a) 'Transfer Orders' dated 11.04.2023, 21.04.2023, 04.05.2023, 31.05.2023, 05.06.2023, 12.06.2023 and 19.06.2023 of those who were serving as senior 'Deputy Collectors' and (b) 'Transfer Orders' with 'Allotment of Revenue Divisions' dated 05.06.2023 of Applicants and Other who were newly promoted as 'Deputy Collectors'.

20. The meeting of DPC held on 02.03.2023 resulted into 'Orders of Promotion' of Applicants and Others to the cadre of 'Deputy Collectors' on 20.04.2023. Meanwhile, the meeting of 'Civil Service Board' of Revenue and Forest Department had been held on 10.04.2023 for 'General Transfer 2023', to consider requests of serving 'Deputy Collectors' who were senior to Applicants & Others and been allocated Revenue Divisions earlier under "Revenue Division Allotment for appointment by Nomination and Promotion to the posts of Group "A" and Group "B" (Gazetted and Non Gazetted) of the Government of Maharashtra Rules 2015". However, from sequence of events which happened in Revenue and Forest Department for these set of 'Deputy Collectors' it is evident that it was known on the date of 'Civil Services Board' meeting held on 10.04.2023 that some eligible officers from cadre of 'Tahsildar' had already been recommended for promotion to the cadre of Deputy Collector. Hence, the 'Select List' as defined under 'Rule 3 (j) of the Maharashtra Civil Services (Regularization of Seniority) Rules 1982 had taken definitive form on 02.03.2023. The 'Civil Services Board' of Revenue and Forest Department should have therefore taken into due consideration that 'Orders of Promotion' of such eligible 'Tahsildar' in the 'Select List' were likely to be issued soon, and thus it would be necessary

to keep aside some 'Vacant Posts' of 'Deputy Collectors' in all Revenue Divisions' for implementation of 'Rule 5' and 'Rule 6' of 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021'. Such pre-identified 'Vacant Posts' should have been ring fenced so as to implement the specific provisions of 'Para 3 (2)' of GAD G.R. dated 01.08.2019. The provisions of 'Para 3 (2)' of GAD G.R. dated 01.08.2019 are as reproduced below :-

“२. संबंधित प्रशासकीय विभागाने, विभागीय महसूली वाटप नियमावलीतील तस्तूदी व नागरी सेवा मंडळाच्या शिफारशी विचारात घेऊन पदोन्नतीच्या व पदस्थापनेच्या एकत्रित प्रस्तावास नियुक्ती प्राधिका-यांची मान्यता घेऊन, पदोन्नती व पदस्थापनेचे एकत्रित आदेश निर्गमित करावेत. (संदर्भ क्र.९ येथील दि.२४.८.२०१५ चे शुध्दीपत्रक अधिक्रमित करून).”

21. The provisions of 'Para 3 (2)' of GAD G.R. dated 01.08.2019 leave no room to explain why action was not taken together by Revenue and Forest Department to issue 'Order of Promotion' along with allotment of 'Revenue Divisions' on 20.04.2023 for all those being promoted from cadre of 'Tahsildar' to cadre of 'Deputy Collector'. The exercise was required to be mandatorily completed together and not done divergently as has happened in case of Applicants & Others who were promoted to the cadre of 'Deputy Collectors' pm 20.04.2023. The undeniable fact is that Applicants & Others were initially given only Orders of Promotion on 20.04.2023 while allotments of 'Revenue Divisions' were made independently and conveyed much later by Transfer Orders dated on 05.06.2023 of Revenue and Forest Department.

22. The directive in 'Sub Clause (3)' of 'Rule 6' of the 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021' help in 'Lifting the Veil' to clearly visualize the obvious deviations made by 'Revenue and Forest

Department' by not observing the provision of 'Para 3 (2)' of GAD G.R. dated 01.08.2019.

*“Rule 6(3) : Information to be communicated to concerned officer in Merit List or Select List-*

- (a) Number of posts of officers for Revenue Division Allotment as per rule 6(1).*
- (b) Revenue Division wise number of vacant post as per rule 6(2).*
- (c) Posts available for allotment shall be allotted in equal proportion of Revenue Division wise vacant posts.*
- (d) Preference shall be called from concerned officers for one Revenue Division.*

23. The DPC for promotion of Applicants and Others from cadre of 'Tahsildars' to cadre of 'Deputy Collectors' was held on 02.03.2023 but its preparatory work surely must have commenced much earlier in Revenue and Forest Department. The 'Vacant Posts' of 'Tahsildars' who were found eligible in meeting of DPC held on 02.03.2023 and placed in 'Select List' for promotion to cadre of 'Deputy Collectors' had to be ascertained as per 'Rule 6(1)(b)' and 'Rule 6(2)(b)' and immediately communicated to Applicants and Others under Rule 6(3) because it specifically reads as "Information to be Communicated to concerned officer in Merit List or Select List". Thus, 'Vacant Posts' available in all Revenue Divisions had to be necessarily communicated as per 'Rule 6(3)' to Applicants and Others who had been placed on the 'Select List' on 02.03.2023 having been found eligible by DPC to be promoted to cadre of Deputy Collector. The DPC evidently had concluded on 02.03.2023 much before the exercise to hold meeting of CSB would have even commenced so as to consider requests of serving 'Deputy Collectors' who were senior to Applicants & Others under provisions of 'Note' beneath 'Rule 8' of 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021'. The lack of synergetic approach to chart out well-coordinated course of action on part of Revenue and Forest Department in carrying out these intrinsically co-

related streams of 'Administrative Functions' which on one hand was about giving promotions and on the other about effecting transfers of two set of officers serving in the cadre of 'Deputy Collectors' undoubtedly resulted in inadequate 'Vacant Posts' of 'Deputy Collectors' remaining available for Applicants & Others to give their preferences under 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021'. The grievances of Applicants has its epicenter in the brazen non-observance of guidelines in 'Para 3 (2)' of GAD G.R. dated 01.08.2021 by Revenue & Forest Department. Hence, the contentions of Applicants deservedly have much merit as it is now established beyond any reasonable doubt that there definitely was asymmetry in disclosure of information by Revenue and Forest Department about exact number of 'Vacant Posts' of 'Deputy Collector' which should have been earmarked before the commencement of exercise relating to holding of Civil Services Board meeting on 10.04.2023 and required to be kept aside for Applicants & Others. The lament is that if Revenue and Forest Department had worked with clear foresight to sincerely implement the provisions of 'Rule 6 (3)' of 'Maharashtra Government Allotment of Revenue Divisions for Appointment by Nomination and Promotion to the posts in and Group-A and Group-B (Gazetted and Non- Gazetted) Rules 2021' and stringently observed directives in Para 3 (2)' of GAD G.R. dated 01.09.2019 as well as consciously put the parallel exercise of 'General Transfer; 2023' under Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (Transfer Act of 2005) on different non-intersectional alignment; then surely it would not have resulted in any cause of action for Applicants which in turn led them to seek legal redressal of their grievances under 'Section 19' of 'The Administrative Tribunal Act, 1985'.

24. The 'Hands of the Clock' cannot be turned back, therefore it would suffice to direct the Revenue and Forest Department to immediately take remedial action for reallocation of 'Revenue Division' to all Applicants by transferring them on posts of Deputy Collector which are to become available by way of Transfers' or 'Promotions' or 'Retirements' after 01.02.2024 in (a) Konkan Division-1 (b) Konkan Division-2 (c) Pune Division and (d) Nasik Division.

**ORDER**

- (1) The Original Application is Allowed.
- (2) The 'Allotment of Revenue Division' alongwith 'Transfer Orders' of Applicants dated 05.06.2023 are quashed and set aside.
- (3) The Applicants to be transferred within 'Two Weeks' to posts of 'Deputy Collectors' which may available by way of 'Transfers' or 'Promotions' or 'Retirements' after 01.02.2024 in (a) Konkan Division-1 (b) Konkan Division-2 (c) Pune Division and (d) Nasik Division.
- (4) No order as to Costs.

Sd/-  
**(Debashish Chakrabarty)**  
**Member (A)**

