

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.02 OF 2018

(Subject :- Selection/Posting)

DISTRICT : HINGOLI

Anil S/o Hariharrao Sarode,)
Age: years, Occu: Service,)
R/O: Bharat Nagar,)
Akola By-pass,)
Hingoli, Dist. Hingoli)...Applicant

V E R S U S

1. **The State of Maharashtra,**)
Through its Principal Secretary,)
Food Civil Supplies and Consumer)
Protection Department,)
Mantralaya, Mumbai-32.)
2. **The Principal Secretary,**)
Revenue and Forest Department,)
Mantralaya, Mumbai -32.)
3. **The Divisional Commissioner,**)
Aurangabad,)
4. **The Deputy Commissioner,**)
(Supply) Aurangabad Division,)
Aurangabad.)
5. **The Collector,**)
Hingoli.)
6. **The Tahsildar,**)
Kalamnuri.)...Respondents

APPEARANCE : Shri Avinash S. Khedkar, learned Advocate for the Applicant.

Shri M.S. Mahajan, the learned Chief Presenting Officer for the Respondent Nos.1 to 6.

Shri S.D. Joshi, the learned Advocate for the Respondent No.7.

CORAM : **JUSTICE A.H. JOSHI, CHAIRMAN**
Shri ATUL RAJ CHADHA, MEMBER (A)

RESERVED ON : **02.04.2019.**

PRONOUNCED ON : **22.04.2019.**

O R D E R

1. Heard Shri Avinash S. Khedkar, learned Advocate for the Applicant, Shri M.S. Mahajan, the learned Chief Presenting Officer for the Respondent Nos.1 to 6 and Shri S.D. Joshi, the learned Advocate for the Respondent No.7.

2. The Applicant aspires to be appointed on the post of Divisional Godown Inspector.

3. According to the Applicant the said post is promotional post and he has been wrongly denied the post. The Applicant has challenged the order dated 31.12.2016 by which the Respondent No.7 has been appointed.

3. Present Original Application proceeds on foundation that the post of Divisional Godown Inspector is promotional post. The Applicant has not produced or shown by producing the recruitment rules applicable for the post of Divisional Godown Inspector as well as eligibility etc thereof.

4. The Original Application is opposed by the Respondents by filing affidavit-in-reply.

5. The Respondent No.5 has in categorical terms averred that the post of Divisional Godown Inspector is to be filled in by considering the aspects, namely:-

- (i) Seniority,
- (ii) Pendency of disciplinary proceeding if any,
- (iii) Training in relation to maintenance of godowns,

- (iv) Annual Confidential Report of five years and;
 - (v) Experience in Food and Civil Supplies work etc.
6. Respondents did not concede nor plead that said post is a promotional post.
7. It is seen that very foundation of claim in O.A is that the said post is not promotional post which is factually incorrect and not proved by the applicant by producing evidence to that effect.
8. It transpires that present Original Application is based on wish and expectations than claims based on legal right. Hence, there is no merit in the Original Application.
9. Hence, Original Application is dismissed.
10. Parties are directed to bear their own costs.

(ATUL RAJ CHADHA)
MEMBER (A)

(A.H. JOSHI)
CHAIRMAN

Place: Aurangabad

Date : 22.04.2019