

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 204/2019 with****CIVIL APPLICATION No. 101/2019 (D.B.)**

1. Maharashtra Rajya Rajpatrit Pashuvaidyak Sanghatana, through its General Secretary Dr. Sanjay Sadashivrao Thakre, aged about 56 years, Flat No. M-19, Taty Tope Nagar, West High Court Road, Nagpur-440 015.
  
2. Dr. Tejas S/o. Sunil Wankhade, Aged about 25 years, Occupation: Student, Resident of Plot No.13, Dr. Wankhade Complex, M.I.D.C. Road, Near Hotel Lords, Usha Nagar, Amravati, Tahsil and District : Amravati.
  
3. Dr. Chetan S/o. Dewaji Alone, Aged about 24 years, Occupation: Student, Resident of Prabhag No.13, Ambedkar Nagar, At. Post and Tahsil : Aheri, District : Gadchiroli.
  
4. Dr. Shankar S/o. Ashanna Mutyalwar, Aged about 49 years, Occupation: Service, Resident of Lokmanya Colony, Irvin Chowk, Amravati – 444 602, Tahsil and District: Amravati.

**Applicants**

// VERSUS //

1. The State of Maharashtra, through its Principal Secretary, Animal Husbandry, Dairy Development and Fisheries, Mantralaya, Mumbai-32.
2. The Commissioner, Animal Husbandry, Aundh, Pune.
3. Shri Sawar Deoram Radka, Major, Occ. Service, R/O At Post District Veterinary Polyclinic, Chiplun, Dist Ratnagiri.
4. Shri Tayade Shaligrat Ghaman, Major, Occ. Service, R/O At Post District Veterinary Polyclinic, Jalna.
5. Shri Mhaske Sheshrao Madhavrao, Major, Occ. Service, R/O At Post District Insemination Centre, Osmanabad.
6. Shri Kamble Dattu Subhana, Major, Occ. Service, R/O At Post District Veterinary Polyclinic, Jalna.
7. Shri Pawar Sitaram Sonu, Major, Occ. Service, R/O At. Post District Insemination Centre, Satara.
8. Shri Narnavare Ashok Namdev, Major, Occ. Service, R/O At Post District Insemination Centre, Gondia.

9. Shri Pondkule Kiran Bapurao,  
Major, Occ. Service, R/O At Post  
Central Hatchery, Khadaki  
Pune-03
10. Shri Dusawar Rajesh Shamrao,  
Major, Occ. Service, R/O At Post  
District Insemination Centre,  
Bhandara.
11. Shri Jadhav Panjab Atmaram,  
Major, Occ. Service, R/O At Post  
District Deputy Commissioner  
A.H, Yevatmal
12. Shri Wagh Sahebrao Taterao,  
Major, Occ. Service, R/O At Post  
District Insemination Centre,  
Jalgaon.
13. Shri Gadhawe Ashruba Narayan,  
Major, Occ. Service, R/O At Post,  
District Veterinary Polyclinic,  
Aurangabad.
14. Shri Dhekade Suresh Pandurang,  
Major, Occ. Service, R/O At Post  
District Deputy Commissioner  
A.H, Solapur.
15. Shri Gutate Parameshwar  
Keshawrao, Major, Occ. Service,  
R/o At. Post Regional Joint  
Commissioner Office,  
Aurangabad.

16. Shri Chaudhari Devendra  
Wasudeo, Major, Occ. Service,  
R/O At. Post State Veterinary  
Dispensary Grade-2, Dongargaon,  
(Sawali), Taluka-Deori, Dist-  
Gondia
17. Shri Kendre Jijaram Govindrao,  
Major, Occ. Service, R/O At Post  
District Veterinary Polyclinic,  
Hingoli.
18. Shri Satdive Ragendra Pandurang,  
Major, Occ. Service, R/O At Post  
Bull Rearing Centre, Harsul,  
Dist. Aurangabad.
19. Shri Shirsat Purushotam Jotiram,  
Major, Occ. Service, R/O At Post  
State Veterinary Dispensary  
Grade-2, Amala, Dist. Amravati.
20. Shri Marathe Dilip Karnish,  
Major, Occ. Service, R/O At Post  
District Insemination Centre,  
Chiplun, Dist. Ratnagiri
21. Shri Joshi Dhananjay Shantaram,  
Major, Occ. Service, R/O At Post  
District Deputy Commissinor  
Office, Pune.
22. Shri Patil Prakash Shamrao,  
Major, Occ. Service, R/O At Post  
Cattle Breeding Farm, Jat, Dist.  
Sangli.

23. Shri Yede Ravindrakumar  
Nathulal, Major, Occ. Service, R/O  
At Post State Veterinary  
Dispensary Grade-2, Bhanpur,  
Taluka, Dist. Gondia.
24. Shri Patil Suresh Tongal, Major,  
Occ. Service, R/O At Post District  
Veterinary Polyclinic, Nandurbar.
25. Shri Mohammad Khalid Moha  
Noor Shaikh, Major, Occ. Service,  
R/O At Post District Veterinary  
Polyclinic, Nanded.
26. Shri Nikam Gulabrao Wasant,  
Major, Occ. Service, R/O At Post  
District Veterinary Polyclinic,  
Dhule
27. Shri Bhat Ravindra Dattatrya,  
Major, Occ. Service, R/O At Post  
State Veterinary Dispensary  
Grade-2, Charkada, Dist.  
Amravati.
28. Shri Mane Rajaram Namdev,  
Major, Occ. Service, R/O At Post  
District Insemination Centre,  
Solapur.
29. Shri AdasulVijayWaman, Major,  
Occ. Service, R/O At Post Regional  
Disease Investigation Centre,  
Pune.
30. Shri Handge Prakash Ganpat,  
Major, Occ. Service, R/O At Post

Cattle Rearing Farm, Kopargaon,  
Dist. Ahamadnagar.

31. Shri Anghole Ananta Mareshwar,  
Major, Occ. Service, R/O At Post  
Indian Veterinary Biological  
Products, Pune.
32. Shri Torpe Vijaykumar  
Radhakrushna, Major, Occ.  
Service, R/O At Post District  
Veterinary Assistant Commissinor  
Office, Ahamadnagar.
33. Shri Sayad Imdad Sayad Shafayat,  
Major, Occ. Service, R/O At Post  
District Veterinary Polyclinic,  
Amravati.
34. Shri Lad Dilip Wasantrao, Major,  
Occ. Service, R/O At Post District  
Insemination Centre, Dist-Jalna.
35. Shri Kakade Pramod Change,  
Major, Occ. Service, R/O At Post  
Cattle Breeding Centre,  
Kopargaon, Dist-Ahamadnagar.
36. Shri Sonavne Sunil Sandu, Major,  
Occ. Service, R/O At Post Check  
Point, Talasari, Dist. Palghar.
37. Shri Pawar Nandkishor Narayan,  
Major, Occ. Service, R/O At Post  
District Veterinary Polyclinic,  
Akola.

38. Shri Bhamre Vilas Devidas, Major, Occ. Service, R/O At Post Regional Joint Commissioner A.H, Mumbai.
39. Shri Khainar Suresh Baburao, Major, Occ. Service, R/O At Post District Veterinary Assistant Commissioner Office, Jalgaon.
40. Shri Belsare Shriram Mahadev, Major, Occ. Service, R/O At Post Veterinary Mini Polyclinic, Morshi District, Amravati.
41. Shri Bhadane Ragendra Dawal, Major, Occ. Service, R/O At. Post Regional Disease Investigation Centre, Nashik-2.
42. Shri Asutkar Shridhar Vitthal, Major, Occ. Service, R/O At Post District Insemination Centre, Dist- Wardha.
43. Shri Lonkar Vilas Pundlik, Major, Occ. Service, R/O At Post Taluka Veterinary Mini-polyclinic, Warud, Aamner.
44. Shri Bawiskar Chintaman Zawaru, Major, Occ. Service, R/O At Post Regional Joint Commissioner, Animal Husbandry Office, Nashik.
45. Shri Umrajkar Mukund Madhukararao, Major, Occ. Service, R/O At Post Taluka Veterinary Mini-polyclinic,

Morshi, Dist. Amravati.

46. Shri Mane Ashok Rajaram, Major, Occ. Service, R/O At Post District Assistant Commissioner Of Animal Husbandry Office, Sindhudurg.
47. Shri Mahamuni Umesh Kashinath, Major, Occ. Service, R/O At Post Regional Disease Investigation Laboratory, Chiplun Dist. Ratnagiri.
48. Shri Umate Shiwaji Pandurang, Major, Occ. Service, R/O At Post District Assistant Commissioner Of Animal Husbandry Office, Satara.
49. Shri Nimbalkar Subhash Natthu, Major, Occ. Service, R/O At Post District Veterinary Polyclinic, Jalgaon.
50. Shri Salunkhe Pralhad Atmaram, Major, Occ. Service, R/O At Post Taluka Veterinary Mini-polyclinic, Islampur, Dist. Sangli.
51. Shri Barve Anil Dattatray, Major, Occ. Service, R/O At Post District Assistant Commissioner Of Animal Husbandry Office, Alibag.
52. Shri Birhade Manoj Harishchandra, Major, Occ.

Service, R/O At Post District  
Veterinary Polyclinic, Nashik.

53. Shri Wetal Uttam Tukaram, Major,  
Occ. Service, R/O At. Post District  
Veterinary Polyclinic, Pune.
54. Shri Bhise Mahadev Rau, Major,  
Occ. Service, R/O At. Post Taluka  
Veterinary Mini-polyclinic, Kudal  
State Veterinary Dispensary  
Grade 2, Dukanwad, Kudal, Dist.  
Sindhudurg.
55. Shri Wananje Bhimrao Santukrao,  
Major, Occ. Service, R/O At Post  
District Artificial Insemination  
Centre, Nanded, Dist. Nanded.
56. Shri Mane Vishnu Bhagwan,  
Major, Occ. Service, R/O At Post  
District Artificial Insemination  
Centre, Solapur, Dist. Solapur.
57. Shri Paikade Kaduba Bansilal,  
Major, Occ. Service, R/O At Post  
Bull Rearing Centre, Harsul,  
Dist. Aurangabad.
58. Shri Bhopale Pundlik Lakhuji,  
Major, Occ. Service, R/O At Post  
Regional Joint Commissioner,  
Animal Husbandry Office,  
Amravati.
59. Shri Shivarkar Shankar  
Bakaramji, Major, Occ. Service,  
R/O At Post District Artificial

Insemination Centre, Chandrapur,  
Dist. Chandrapur.

60. Shri Sapate Pramod Bhaya, Major,  
Occ. Service, R/O At Post (Under  
veterinary Polyclinic Bhandara),  
Veterinary Dispensary,  
Grade-1, Dabha
61. Shri Sadmak Suresh Motiram,  
Major, Occ. Service, R/O At Post  
Under District Veterinary  
Polyclinic Bhandara, Veterinary  
Dispensary, Grade-1, Kharabi.
62. Shri Pawale Ashok Ranba, Major,  
Occ. Service, R/O At Post District  
Deputy Commissioner Office,  
Latur.
63. Shri Gawas Chandrashekhar  
Vitthal, Major, Occ. Service, R/O  
At Post Taluka Veterinary Mini-  
polyclinic, Kudal, State  
Veterinary Dispensary Grade 2  
Kasal Taluka Kudal, Dist.  
Sindhudurg.
64. Shri Farkande Bhanudas  
Jagganath, Major, Occ. Service,  
R/O At Post Cattle Breeding Farm,  
Tathawade, Pune-33.
65. Shri D. T. Suradkar, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade 2 Sherbajar,  
Panchayat Samiti Motala, Dist.  
Buldhana.

66. Shri K. W. Bawaskar , Major, Occ. Service, R/O At Post Veterinary Grade 2 Dispensary Khandala, Taluka Vaijapur, Dist. Aurangabad.
67. Shri R. S. Bhilavekar, Major, Occ. Service, R/O At. Post Veterinary Dispensary Chavala, Panchayat Samiti Nandgaon khandeshwar District- Amravati.
68. Shri B. G. Bhalavi, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade 2 Bramhapuri, Taluka Mehakar, District Buldhana.
69. Shri V.D. Bhagwat, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade 2 Devghar, Taluka Khed, District Ratnagiri.
70. Shri L. K. Chakale, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade 2 Kaygaon, Taluka Gangapur, District Aurangabad.
71. Shri R. S. Patil, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade 2 Ingrul, Taluka Shirala, District Sangli.
72. Shri H. A. Meshram, Major, Occ. Service, R/O At Post Veterinary

Dispensary Yekodi, Panchayat  
Samiti Sakoli, District Bhandara.

73. Shri P. S. Tumsare, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Garra Bagheda,  
Taluka Tumsar District Bhandara.
74. Shri N. T. Damodhare, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade-2 Talvel,  
Panchayat Samiti Chandur Bajar,  
District Amravati.
75. Shri D. H. Jambhule, Major, Occ.  
Service, R/O At Post Panchayat  
Samiti Chimur, District  
Chandrapur.
76. Shri D. S. Vani, Major, Occ.  
Service, R/O At Post Adharbhut  
Gram Upkendra Sonati, Panchayat  
Samiti Mehkar, District  
Buldhana.
77. Shri P. K. Gadekar, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade 1 Bavada,  
Taluka Indapur, District Pune.
78. Shri D. S. Vanere, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade 2 Pimpalgaon  
Unda, Taluka Mehakar, District  
Buldhana.
79. Shri. D. G. Kulkarni, Major, Occ.  
Service, R/O At Post Panchayat

Samiti Sangola, District Solapur.

80. Shri M. P. Telgote, Major, Occ. Service, R/O At Post Veterinary Dispensary Khartalegaon, Panchayat Samiti Bhatkuli, District Amravati.
81. Shri A.G. Gaundik, Major, Occ. Service, R/O At Post Veterinary Dispensary Kalashi, Panchayat Samiti Daryapur, District Amravati.
82. Shri V. J. Gore, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade 2 Devlapar, Panchayat Samiti Ramtek, District Nagpur.
83. Shri J. K. Dharne, Major, Occ. Service, R/O At Post Veterinary Mobile Clinic, Sironcha, Z. P. Gadchiroli.
84. Shri N. Z. Lute, Major, Occ. Service, R/O At Post Panchayat Samiti, Arjunimor, District Gondia.
85. Shri Y. U. Waghaye, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade 2 Bondgaaon Devi, Taluka Arjunimor, District Gondia.
86. Shri K. R. Padmane, Major, Occ. Service, R/O At Post Veterinary

Dispensary Grade 2 Vadner  
Bholji, Taluka Nandura,  
District Buldhana.

87. Shri D. S. Pawar, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade 2 Sultanpur,  
Taluka Lonar, District Buldhana.
88. Shri D. D. Dhole, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade 2 Kalmeshwar,  
Panchayat Samiti Mehakar,  
District Buldhana.
89. Shri D. M. Behniya, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade 2 Pimpalgaon  
Kale, Taluka Jalgaon Jamod,  
District Buldhana.
90. Shri T. A. Patil, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Shirala, Taluka  
Shirala, District Sangli.
91. Shri H. D. Parate, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Neri, Panchayat  
Samiti Mohadi, District Bhandara.
92. Shri N. D. Goswami, Major, Occ.  
Service, R/O At Post Mobile  
Veterinary Clinic, Katol District,  
Nagpur.
93. Shri V. K. Upadhye, Major, Occ.  
Service, R/O At Post Mobile

Veterinary Clinic Dharni,  
District Amravati.

94. Shri P. S. Bhise, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Chincholi Bu.,  
Panchayat Samiti Anjangaon  
Surji, District Amravati.
95. Shri B. S. Borse, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Dhuikhed, Taluka  
Chandur Railway,  
District Amravati.
96. Shri R. R. Vidhe, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade 2 Palaskhed,  
Panchayat Samiti Chandur  
Railway, District Amravati.
97. Shri P. B. Akarte, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade 2 Anjansigi,  
Taluka Dhamangaon,  
District Amravati.
98. Shri V. O. Roam, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary, Kokarda, Panchayat  
Samiti, Anjangaon Surji,  
District Amravati.
99. Shri S. M. Hadole, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Ghatladki, Panchayat  
Samiti Chandur Bajar,  
District Amravati.

100. Shri S. P. More, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade 2 Kurha, Panchayat Samiti Tiwsa, District Amravati.
101. Shri S. M. Ambekar, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade 1 Kikvi, Taluka Bhor, District Pune.
102. Shri K. B. Jane, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade 2 Dorli, Taluka Katol, District Nagpur.
103. Shri D. C. Meshram, Major, Occ. Service, R/O At Post Veterinary Dispensary Benoda (Shahid) Panchayat Samiti, Warud, District Amravati.
104. Shri V. S. Kohle, Major, Occ. Service, R/O At Post Poultry Project Amravati.
105. Shri A.B. Mahalle, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade-2, Bagaon, Panchayat Samiti, Amravati.
106. Shri M.U. Harinkhede, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade-1 Adasi, Taluka Dist. Gondia.

107. Shri R.R. Bagal, Major, Occ.  
Service, R/O At Post Panchayat  
Samiti, Malshiras, Dist. Solapur.
108. Shri S.S. Adhau, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade-2 Keliweli,  
Panchayat Samiti Akot,  
Dist Akola.
109. Shri R.H.Ghorpade, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade-1, Wangi,  
Taluka Kadegaon, Dist Sangli.
110. Shri K.R. Bankar, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade-2, Samada,  
Taluka Sawali, Dist. Chandrapur.
111. Shri D.N. Gurnule, Major, Occ.  
Service, R/O At Post Panchyat  
Samiti, Ballarpur,  
Dist Chandrapur.
112. Shri M.D. Harinkhede, Major, Occ.  
Service, R/O At Post Panchyat  
Samiti, Sawali, Dist Chandrapur.
113. Shri P.M. Bhusari, Major, Occ.  
Service, R/O At Post Mobile  
Veterinary Clinic Grade-1,  
Gondpimpri, Dist Chandrapur.
114. Shri P.N. Kedar, Major, Occ.  
Service, R/O At Post Panchyat  
Samiti Mul, Dist Chandrapur.

115. Shri R.K. Pustode, Major, Occ. Service, R/O At Post Panchyat Samiti, Mul, Dist. Chandrapur.
116. Shri P.N. Kale, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade-2, Pobhurna, Dist Chandrapur.
117. Shri B.P. Rane, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade-2 Masure, Tal. Malwan, Dist. Sindhudurg.
118. Shri B.R. Kadam, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade-2 Kharsundi, Tal Aatpadi, Dist Sangli.
119. Shri K.B. Kokde, Major, Occ. Service, R/O At Post Veterinary Dispensary, Lonikanda, Tal. Haweli, Dist Pune.
120. Shri J.M.Saraf, Major, Occ. Service, R/O At Post Panchyat Samiti Veterinary Dispensary Grade-2, Solapur, Veterinary Dispensary Grade-2, Kandalgaon, Dist Solapur.
121. Shri A.J. Kulkarni, Major, Occ. Service, R/O At Post Veterinary Dispensary Grade-1, Amboli, Tal Tryambakeshwar, Dist Nashik.
122. Shri P.P.Bokade, Major, Occ. Service, R/O At Post Veterinary

Dispensary Grade-2, Bhendala,  
Kundhada, Dist. Gadchiroli.

123. Shri M.N. Ghodke, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade-2,  
Narayangawhan, Tal Parner,  
Dist. Ahmadnagar.
124. Shri S.N. Deshmukh, Major, Occ.  
Service, R/O At Post Panchyat  
Samiti, Washim, Dist. Washim.
125. Shri S.R. Kale, Major, Occ. Service,  
R/O At Post Panchyat Samiti,  
Mangrulpir, Dist Washim.
126. Shri S.N. Gote, Major, Occ.  
Service, R/O At Post Veterinary  
Dispensary Grade-2, Jaulka,  
Panchayat Samiti Malegaon,  
Dist Washim.
127. Shri S.G. Bawankar, Veterinary  
Dispensary Grade-2, Supalipar,  
Dist Gondia.

**Respondents.**

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**Shri A.C.Dharmadhikari, Id. Advocate for the applicants.**

**Shri A.M.Ghogre, Id. P.O. for the State.**

**Shri H.Dangre, Id. counsel for the respondent no. 2.**

**Shri N.S.Khubalkar, Id. counsel for the respondent nos. 3 to 127.**

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**Coram :- Hon'ble Shri Shree Bhagwan, Vice Chairman &  
Hon'ble Shri M.A.Lovekar, Member (J).**

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**Date of Reserving for Judgment : 29<sup>th</sup> March, 2022.**

**Date of Pronouncement of Judgment : 12<sup>th</sup> April, 2022.**

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**Per:-Member (J)**

**(Delivered on this 12<sup>th</sup> day of April, 2022)**

Heard Shri A.C.Dharmadhikari, learned counsel for the applicants, Shri A.M.Ghogre, learned P.O. for the State, Shri H.Dangre, Id. counsel for the respondent no. 2 and Shri N.S.Khubalkar, Id. counsel for the respondent nos. 3 to 127.

2. **C.A.No.101/2019 for Joint O.A. is allowed and the matter is heard finally.**

3. In this Original Application order dated 08.03.2019 issued on 11.03.2019 by respondent no. 2 is impugned (A-12). By this order respondent nos. 3 to 127 who were holding the post of Assistant Livestock Development Officer, Grade-C in the pay scale of Rs. 5,200 – 20,200/-, G.P. 2800/- have been promoted to the post of Livestock Development Officer, Grade – B in the pay scale of Rs. 9,300 – 34, 800/- G.P. 4400/- on temporary basis and posted as incharge of veterinary dispensary, Grade – 1.

4. According to the applicants they have been seriously prejudiced by the impugned order and if the impugned order stays their chances of career advancement would be severely hampered. Contention

of the respondents, on the other hand, is that none of the applicants has a locus standi to maintain and prosecute this application because the alleged prejudice perceived by them is either too distant, fanciful or purely illusory.

5. The question of locus standi of the applicants has been raised by the respondents by way of a preliminary objection. According to them, none of the applicants falls within the definition of "a person aggrieved" under Section 19 of the Administrative Tribunals Act ("hereinafter referred to as the 'Act' ") and hence this Tribunal cannot proceed to determine whether or not their grievances deserve to be redressed by it. It is apparent that this Tribunal will have to first decide the question as to whether it can entertain this application regard being had to the aforesaid preliminary objection raised by the respondents. If the applicants get through this hurdle by establishing their locus standi/ by showing that they squarely answer to the description of "person/s aggrieved" only then it would be permissible for this Tribunal to proceed to consider their grievances on merits so as to find out their entitlement to the relief claimed.

6. On the point of their locus standi pleading of the applicants is as follows:-

*"4.1. That the applicant No.1 is duly registered Organization of the Livestock Development Officers, Assistant Commissioners, Animal Husbandry, Deputy Commissioners, Animal Husbandry, Joint Commissioners, Animal Husbandry and bears Registration Nu. E/1286/Mumbai. All the members of the applicant No.1- Organization are government servants and employees of the State Government. The majority members of the registered organization are the Livestock Development Officers, Group-A who are presently working and posted on various posts throughout the State of Maharashtra which include the City of Nagpur. The applicant No.1 Organization was formed with objective to protect the interest of its members including that of fighting against any sort of injustice or prejudice caused to them personally or their service career. The applicant No. 1 is filing this application in a representative capacity agitating the grievance of all the regularly appointed Livestock Development Officers- Group-A and who are presently working on the posts because the consequences of the order which is impugned is resultantly in prejudicing their service career and restraining them from seeking an accommodation/transfer/ posting on the posts that are actually reserved for the Livestock Development Officer and which cannot be filled in by promotions promoting the respondent Nos. 3 to 127 because none of them are qualified either illegally or*

*otherwise to be appointed on the post of Livestock Development Officer which has been done by the impugned order dated 08/03/2019. The details of the challenge has been enumerated below in detail.*

*4.2 The applicant No. 2 is post graduate student of Nagpur Veterinary College, Nagpur which comes under the Maharashtra Animal and Fishery Sciences University (MAFSU) and is doing his post-graduation in Live Stock Production and Management from October 2018. The petitioner No.2 has graduated as B.V.Sc. and A.H. (Bachelor of Veterinary Science and Animal Husbandry)from Nagpur Veterinary College, Nagpur and registered with Maharashtra State Veterinary Council.Copy of the Registration Certificate of the applicant No.2 is annexed herewith as **ANNEXURE-A-1**.It is submitted that the applicant No. 2 is thus, eligible and qualified to be appointed as Livestock Development Officer as and when the process of selection would be conducted by the Maharashtra Public Service Commission and thus, the applicant No.2 is entitled to compete for being appointed on the said post. It is submitted that there is likelihood that an advertisement of filling up the posts of Livestock Development Officer-Group-A is likely to be*

*issued in the near future and thus, the applicant falls in the category of the proposed government servant.*

*4.3 The applicant No.3 is also student of Nagpur Veterinary College, Nagpur and is presently doing his Post-graduation in First Year of Veterinary Biochemistry. The applicant No.3 has passed his graduation in B.V.Sc. and A.H. The applicant No.3 is also eligible for being appointed on the post of Livestock Development Officer which is permanent Grade-A post of which basic qualification is that of passing of B.V.Sc. and A.H. examination and registration with Maharashtra State Veterinary Council. A copy of the registration certification is annexed herewith as **ANNEXURE-A-2**.*

*4.3 The applicant No.4 is presently working as Livestock Development Officer and has been joined as applicant as he is presently aggrieved because of the posting of the order dated 08/03/2019 promoting the respondent No.3 to 127 and posting them as in charge of the Veterinary Dispensary, Grade-1, which post is actually to be filled in by a regular appointed Livestock Development Officer- Group-A like the applicant and therefore, the applicant is presently deprived of being posted on this post by virtue*

*of transfer for which he has opted and which post has been filled in by promotion by issuing order dated 08/03/2019.*

*4.4. The applicants, therefore, submit that all the applicants have a locus to approach this Hon'ble Tribunal by filing the present application and challenging the order dated 08/03/2019 and specifically because it is issued in contravention and violation of the provisions of the Act of 1984 and the judgments delivered by the Hon'ble Supreme Court and the Hon'ble High Court, which clearly indicates that the Livestock Supervisors or Assistant Livestock Development Officers cannot be appointed or posted as incharge Veterinary Dispensary Grade-1 and which post can actually and only be filled in by regularly appointed Livestock Development Officer-Group A."*

7. It was argued by Shri A.C.Dharmadhikari, the Id. counsel for the applicants that the matter was admitted by this Tribunal on 24.12.2020, therefore, now the question of locus standi of the applicants cannot be gone into and this Tribunal will have to proceed to decide all the issues arising in this application. This contention implies that the question of locus standi of the applicants should have been decided before the matter was admitted and now the clock cannot be turned back so as to enable

the Tribunal to enter into the question of locus standi of the applicants and proceed to consider the same after the matter is admitted. We cannot persuade ourselves to accept this submission. It is not supported by any authoritative pronouncement or statutory provision.

8. Section 19 of the act deals with applications to Tribunals.

Sub-sections (3) and (4) of Section 19 reads as under:-

*"(3) On receipt of an application under sub-section (1), the Tribunal shall, if satisfied after such inquiry as it may deem necessary, that the application is a fit case for adjudication or trial by it, admit such application; but where the Tribunal is not so satisfied, it may summarily reject the application after recording its reasons.*

*(4) Where an application has been admitted by a Tribunal under sub-section (3), every proceeding under the relevant service rules as to redressal of grievances in relation to the subject – matter of such application pending immediately before such admission shall abate and save as otherwise directed by the Tribunal, no appeal or representation in relation to such matter shall thereafter be entertained under such rules."*

Section 20 of the act deals with applications not to be admitted unless other remedies exhausted.

Sub-section (1) of Section 20 reads as under:-

*"(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances."*

Section 20 (1) of the Act quoted above lays down that the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant Rules.

Neither Section 19 or Section 20 of the Act, however, precludes the Tribunal from entering into and deciding the question of its own jurisdiction (with regard to the subject matter) after the matter is admitted.

9. Applicant no. 1 is a duly registered organization of Livestock Development Officers, Assistant Commissioners (Animal Husbandry), Deputy Commissioners (Animal Husbandry) and Joint Commissioners (Animal Husbandry). Most of the Members of this organization are Livestock Development Officers, Group-A. The organization was formed with an objective to protect and further just and legitimate rights and expectations of its members. Applicant nos. 2 & 3 are pursuing P.G. course after B.V.Sc. and they are eligible and qualified to be appointed as Livestock

Development Officer whenever selection process commences. Applicant no. 4 is presently working as Livestock Development Officer. According to the applicants, because of the impugned order applicant no. 4 is likely to be deprived of a posting as incharge of Veterinary Dispensary, Grade-1<sup>st</sup>. According to the applicants the impugned order is passed in contravention of Section 30 of the Indian Council of Veterinary Act, 1984 (hereinafter referred to as the "Act") and binding precedents of the Hon'ble Bombay High Court and the Hon'ble Supreme Court.

10. An additional factor in respect of applicant no. 1 may be mentioned because the respondents have seriously questioned locus standi of all the applicants to file and pursue this application. According to the applicant no. 1, it has filed this application in a representative capacity for agitating the grievances of all regularly appointed Livestock Development Officers, Grade-A presently working in the State of Maharashtra. No provision in the Act has been brought to our notice which enables a body like the applicant no. 1 to file an application under Section 19 of the Act in a representative capacity.
11. Respondent nos. 3 to 127 have elaborately set out their preliminary objection to this Original Application (i.e. locus standi of the applicants) in their written argument thus:-

**I-1** It is submitted that owing to impugned order none of the members of the Applicant number 1 organisation is getting displaced or reverted from the posts which they are currently holding. And there is no such possibility of getting displaced or reverted in future also only because of the impugned order of promotion of respondent numbers 3 to 127. As far as their apprehension regarding non-availability of posts for accommodation/posting by way of transfer in future is concerned, it is submitted that this is merely an unfounded apprehension in their minds which has no real basis. As clarified by the government in its reply (please see paragraph number 19 of the reply of respondent numbers 1 and 2 at page number 181 of the paper book of the Original Application) there are many other posts where the officer members of the Applicant number 1 organisation can be accommodated in the contingencies of transfer in future. Therefore the Applicant number 1 organisation does not fit into the term "person aggrieved". Hence the Original Application is liable to be dismissed, and may kindly be dismissed.

**I-2** It is submitted that the Applicant number 2 clearly does not fall within the term "person aggrieved". On his own showing the Applicant number 2 is still taking education. He is not currently holding any post in the government service. Because of impugned order he has not actually suffered any prejudice. Even a non-inservice person must establish that he is a person aggrieved for filing the Original Application before this Tribunal under Administrative Tribunals Act. The Applicant number 2 is merely banking upon a mere possibility of issuance of advertisement for filling up the post of Livestock Development Officer Group A by MPSC.

*However the fact of the matter is that no such advertisement is actually yet issued. And no application is made by Applicant number 2 in response to any such advertisement. Therefore the Applicant number 2 does not even become a proposed government servant. Therefore the Applicant number 2 also does not have any locus to file this application and hence the application is liable to be dismissed.*

**I-3** *It is submitted that even with respect to Applicant number 3 he has no locus to file this application because he is also merely a student taking education. His situation is somewhat same as that of Applicant number 2 and therefore the submissions made with regard to Applicant number 2 may also be treated as reply submissions with regard to Applicant number 3 and this instant Original Application may kindly be dismissed vis a vis Applicant number 3.*

**I-4** *It is submitted that Applicant number 4 is claiming locus only because of perceived apprehension that in the event of his transfer in the general transfers that would be conducted in the month of June or any time, no post would be available for him for being posted at Grade I Veterinary Dispensary. His grievance is connected with ground number B of the Original Application where it is stated that the Applicant number 4 had opted for transfer on the post of in charge of Veterinary Dispensary Grade I but because of the impugned order of promotion his option to be posted at Veterinary Dispensary Grade I at Purna Nagar is permanently affected. In this respect attention of the honourable tribunal is invited to the refutal of this ground made in the reply of the respondent numbers 1 and 2 in paragraph number 5 (page 167 of the paper book). The*

*government has clarified in that reply that the Applicant number 4 was transferred to the post of Veterinary Dispensary Grade I at Talegaon Dashasar, Taluka Dhamangaon Railway, District Amravati which post he had claimed by way of option. He was relieved from the earlier post on 1 June 2018 but he did not join the opted post by way of transfer for a long gap of 9 months and 11 days i.e. until 13 March 2019. The government, having waited for such a long period finally issued posting order of another officer on the same post on 8 March 2019. First priority for posting on the said post was given to the Applicant number 4 only. **The Applicant number 4 has suppressed all these facts** from the knowledge of this honourable court only to misleadingly claim that he is also a person aggrieved which claim is not correct. Further, even after issuance of the order dated 8 March 2019 the Applicant was allowed to join on the post which again he claimed by way of option. Thus the Applicant number 4 is not deprived of any opportunity of transfer/posting at the place of his choice and therefore on account of such misleading submissions, the instant Original Application may kindly be dismissed."*

12. Respondent nos. 1 & 2, in para no. 19 of their reply (which is at pages 159) have pleaded:-

*" 19. It is submitted that, the contentions of the applicants are not tenable because there are several other posts in Animal Husbandry Department other than Veterinary Dispensary Grade-I where the Government have posted the veterinary graduate officers. Thus, Government have not limited the*

*veterinary graduates with respect to their posting at clinical establishment like Veterinary Dispensaries Grade-1/ Taluka Mini Veterinary Polytechnic/ District Veterinary Polyclinic/ Mobile Veterinary Clinics etc. There is no deprivation of the rights of veterinary graduates by issuance of promotion and posting orders of Livestock Development Officer, Grade-B, since the quota of 85 % of the veterinary graduates in the cadre of Livestock Development Officer, Grade-A is maintained undistributed, while doing so. It is also surprising that the students undergoing B.V.Sc. and A.H./M.V.Sc. course are expressing their 'Right' to get posted on the post of veterinary dispensaries "Grade-1"; overlooking the mandatory procedure to be recommended by Maharashtra Public Service Commission during their selection procedure for the posts of Livestock Development Officer, Group-A. Thus, the question of "deprivation of the right of the veterinary graduates in service of Animal Husbandry Department and of the students aspiring service in Animal Husbandry Department" does not arise."*

13. In para no. 5 of their reply respondent nos. 1 & 2 have stated:-  
*"It is submitted that, the applicant no. 4 is Dr. Shankar Ashanna Mutyalwar joined the services as Livestock Development Officer on 27.10.1999. The applicant was posted*

*at District Veterinary Polyclinic on 06.06.2013. The applicant was due for transfer upon completion of tenure and accordingly, he was transferred to the post of Veterinary Dispensary Grade-I, Talegaon Dashasar Tal. Dhamangaon Railway Dist. Amravati, the post claimed by the applicant to be his opted posting. He was relieved from the earlier post on 01.06.2018 but he did not join the post of transfer (which he has opted) until 13.03.2019, i.e. after a wishful and conscious gap of 9 months and 11 days. Having waited for such a long period, the Government finally issued posting order of another officer on the same post on 08.03.2019. Thus, the first priority for the posting on the said post was given to the Applicant only and hence, the say of the applicant is misleading and should be denied. Even after issuance of the order dated 08.03.2019, the applicant was allowed to join on the post he claims to have opted for posting and therefore he is not deprived of any opportunity to join on the post of transfer/ posting. Hence, the say of the applicant is baseless and hence, denied."*

14. In support of their submission that none of the applicants would answer to the description of "a person aggrieved" as defined under Section 19 of the Act, the respondents have relied on the following rulings:-

(A) **Dr. Duryodhan Sahu and Ors. Vs. Jitendra Kumar Mishra & Ors. delivered on 25.08.1998 by the Hon'ble Supreme Court in S.L.P. Nos. 10472 – 10474/95.** In this case the two questions that fell for determination of the Supreme Court were framed as under:-

*"2. Two questions have arisen for decision (1) whether an Administrative Tribunal constituted under Administrative Tribunals Act, 1985 (hereinafter referred to as the 'Act') can entertain a public interest litigation and (ii) whether on the facts of this case the Tribunal has exceeded its jurisdiction in passing the impugned order?"*

While answering these questions the Hon'ble Supreme Court held :-

*"14. Section 14 of the Act provides that the central Administrative Tribunal shall exercise all the jurisdiction, powers and authority exercisable by all courts except the Supreme Court immediately before the appointed day in relation to matters set out in the section. Similarly, section 15 provides for the jurisdiction, powers and authority of the State Administrative Tribunals in relation to matters set out therein. Sections 19 to 27 of the Act deal with the procedure. Section 19*

*strikes the key-note. Sub-sections (1) and (4) of section 19 are in the following terms:*

*S.19 (1) Subject to other provisions of this Act, a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance.*

*(a) by the Government or a local or other authority within the territory of India or under the control of the Govt. of India or by any corporation (or society) owned or controlled by the Government; of*

*(b) by an officer, committee or other body or agency of the Government or a local or other authority or corporation (or society) referred to in clause (a) \*\*\*\*\**

*\*\*\*\*\**

*S.19*

*(4)*

*Where an application has been admitted by a Tribunal under sub-section (3), every proceeding under the relevant service rules as to redressal of grievances in relation to the subject matter of such application pending immediately before such admission shall abate and save as otherwise directed by the Tribunal, no appeal or representation in relation to such matter shall thereafter be entertained under such rules.*

15. Section 20 provides that the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant rules. Section 21 provides for a period of limitation for approaching the Tribunal. A perusal of the above provisions shows that the Tribunal can be approached only by 'persons aggrieved' by an order as defined. The crucial expression 'persons aggrieved' has to be construed in the context of the Act and the facts of the case.

16. In *Thammanna versus K. Veera Reddy and other* (1980) 4 S.C.C. 62 it was held that although the meaning of the expression 'person aggrieved' may vary according to the context of the statute and the facts of the case, nevertheless normally, a person aggrieved must be a man who has suffered a legal grievance, a man against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something or wrongfully affected his title to something.

17. In *Jasbhai Motibhai Desai Versus Roshan Kumar Haji Bashir Ahmed and others* (1976) 1.S.C.C. 671 the Court held that the expression 'aggrieved person' denotes an elastic, and to an

*extent, an elusive concept. The Court observed: "...It cannot be confined within the bounds of a rigid, exact, and comprehensive definition. At best, its features can be described in a broad tentative manner. Its scope and meaning depends on diverse, variable factors such as the content and intent of the statute of which contravention is alleged, the specific circumstances of the case, the nature and extent of the petitioner's interest, and the nature and extent of the prejudice or injury suffered by him'.*

18. *The constitution of Administrative Tribunal was necessitated because of large pendency of cases relating to service matters in various courts in the country. It was expected that the setting up of Administrative Tribunals to deal exclusively in service matters would go a long way in not only reducing the burden of the Courts but also provide to the persons covered by the Tribunals speedy relief in respect of their grievances. The basic idea as evident from the various provisions of the Act is that the Tribunal should quickly redress the grievances in relation to service matters. The definition of 'service matters' found in Section 3 (q) shows that in relation to a person the expression*

*means all service matters relating to the conditions of his service. The significance of the word 'his' cannot be ignored. Section 3 (b) defines the word 'application' as an application made under Section 19. The latter Section refers to 'person aggrieved'. In order to bring a matter before the Tribunal, an application has to be made and the same can be made only by a person aggrieved by any order pertaining to any matter within the jurisdiction of the Tribunal. We have already seen that the work 'order' has been defined in the explanation to sub-s. (1) of Section 19 so that all matters referred to in Section 3 (q) as service matters could be brought before the Tribunal. It in that context, Sections 14 and 15 are read, there is no doubt that a total stranger to the concerned service cannot make an application before the Tribunal. If public interest litigations at the instance of strangers are allowed to be entertained by the Tribunal the very object of speedy disposal of service matters would get defeated.*

19. *Our attention has been drawn to a judgement of the Orissa Administrative Tribunal in Smt. Amitarani Khuntia Versus State of Orissa 1996. (1) OLR (CSR)-2. The Tribunal after considering the provisions of the Act held that a private citizen*

*or a stranger having no existing right to any post and not intrinsically concerned with any service matter is not entitled to approach the Tribunal. The following passage in the judgement is relevant: "...A reading of the aforesaid provisions would mean that an application for redressal of grievances could be filed only by a 'person aggrieved' within the meaning of the Act.*

*Tribunals are constituted under Article 323 A of the Constitution of India. The above Article empowers the Parliament to enact law providing for adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or any local or other authority within the territory of India or under the control of the Government and such law shall specify the jurisdiction, powers and authority which may be exercised by each of the said Tribunals. Thus, it follows that Administrative Tribunals are constituted for adjudication or trial of the disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts. Its jurisdiction*

*and powers have been well-defined in the Act. It does not enjoy any plenary power." We agree with the above reasoning."*

(B) **Gopbandhu Biswal Vs. Krishna Chandra Mohanty and Ors. (1998) 4 SCC 447.** In this case the question that fell for determination was whether the third party aggrieved by the decision of the Tribunal could file an application for review as provided under Section 22 (3) (f) of the Act. It was held that Review Application by the third party aggrieved by the decision is maintainable if it is within limitation and is filed in accordance with Section 22 (3) (f) of the Act read with order 47, Rule 1 C.P.C.

In para no. 13 it was held :-

*"It is difficult to include the applicants in the review applications in the category of "persons aggrieved". The main applicant i.e. the present appellant-Biswal had joined as party respondents all those persons who had superseded him for selection to the Indian Police Service since they would be persons affected in case he succeeded in his application. The Tribunal had directed that Biswal be considered for promotion between 1977 and 1980 and not thereafter. During this period, the two applicants in review application No. 16 of 1993 were nowhere within the zone of consideration for promotion to*

*I.P.S. One of the applicants joined the police service only in 1974 and was not eligible for further promotion till 1982. The other applicant, though eligible for promotion, was on account of his rank in the seniority list, not within the zone of consideration at any time prior to 5.11.1980. As a matter of fact the two applicants in review application No. 16 of 1993 were selected for promotion to I.P.S. only in 1993 when they were included in the select list of 1993. Therefore, they could not have been made parties in T.A. No. 1 of 1989. At that point of time, these applicants had only a chance of promotion in future. This does not confer any legal right on these applicants and they cannot be considered as parties aggrieved by the impugned judgment. However, leniently one may construe the term 'party aggrieved', a person not directly affected cannot be so considered. Otherwise for years to come, every person who becomes eligible for promotion will be considered a 'party aggrieved' when the Tribunal interprets any service rule such as in the present case. Only persons who are directly and immediately affected by the impugned order can be considered as 'parties aggrieved' under Section 22(3) (f) read with Order 47 Rule 1."*

(C) **Babua Ram & Ors. Vs. State of U.P. and Another (1995) 2 SCC 689.** In this case it is held that the person aggrieved must, therefore, be one who has suffered a legal grievance because of a decision pronounced by Civil Court.

(D) **Thammanna Vs. K. Veera Reddy & Ors. (1980) 4 SCC 62.** In this case it is held :-

*"Although the meaning of the expression "person aggrieved" may vary according to the context of the statute and the facts of the case, nevertheless, normally "a 'person aggrieved' must be a man who has suffered a legal grievance, a man against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something or wrongfully affected his title to something." As Per James L. J. in Re Sidebotham referred to by this Court in Bar Council of Maharashtra v. M.V. Dabholkar and J. N. Desai v. Roshan Kumar."*

(E) **Bar Council of Maharashtra Vs. M.V.Dabholkar & Ors. (1975) 2 SCC 702.** In this case it is held :-

*"The words "person aggrieved" are found in several statutes and the meaning will have to be ascertained with reference to the purpose and the provisions of the statute. It may vary according to the context of the statute."*

15. We have adverted to the ratio laid down by the Hon'ble Supreme Court in cases under the Administrative Tribunals Act, 1985 viz **Dr. Duryodhan Sahu & Ors. & Gopbhandhu Biswal (Supra)**. Instant application is filed under this very Statute.

16. Applicant no. 1 has made it clear that he has approached this Tribunal in a representative capacity. There is no enabling provision under the Act to do so. Applicant nos. 2 & 3 are still not in the service of State Government. They have merely acquired the qualification on the basis of which they may apply for the post of Livestock Development Officer, Grade-A. The impugned order does not, in any way, directly and immediately affect any of the service conditions of applicant no. 4. In the case of **Gopbhandhu (supra)** it is observed that however leniently one may construe the term "party aggrieved" a person not directly and immediately affected can be so considered and only persons who are directly and immediately affected by the impugned order can be considered as "parties aggrieved".

17. By applying the tests laid down in "**Dr. Duryodhan Sahu & Ors. & Gopbhandhu Biswal (Supra)**", none of the applicants can be said to be "a person aggrieved". It may be observed that this Tribunal has no plenary powers. It can, therefore, take cognizance of only such matters which fall within its clearly marked four corners. As a result of this determination the other points cannot be gone into. Hence, the order:-

**ORDER**

1. The Original Application No. 204/2019 is dismissed as being not maintainable.
2. No order as to costs.

**(Shri M.A.Lovekar)**  
**Member (J)**

**(Shri Shree Bhagwan)**  
**Vice Chairman.**

**Dated** :- 12/04/2022.

\*aps.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : A.P.Srivastava

Court Name : Court of Hon'ble Vice Chairman & Member (J).

Judgment signed on : 12/04/2022.  
and pronounced on

Uploaded on : 13/04/2022.