

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION 420 OF 2017

DISTRICT : MUMBAI

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| 1. | Shri Abhaysingh Arjunrao Mohite, |) |
| | Working as Prob. Deputy Collector, |) |
| | Dist-Solapur. |) |
| 2. | Shri Prashant K. Khedekar, |) |
| | Working as Prob. Deputy Collector, |) |
| | Ahmednagar. |) |
| 3. | Shri Nitin K. Sadgir, |) |
| | Working as Prob. Deputy Collector, |) |
| | Dist-Ahmednagar. |) |
| 4. | Miss Sheetal S. Deshmukh |) |
| | Working as Prob. Deputy Collector, |) |
| | Navi Mumbai. |) |
| 5. | Miss Varsha B. Landge, |) |
| | Working as Prob. Deputy Collector, |) |
| | Mumbai. |) |
| 6. | Miss Kranti K. Dombe, |) |
| | Working as Prob. Deputy Collector, |) |
| | Dist-Parbhani. |) |
| 7. | Shri Prashant S. Bedse |) |
| | Working as Tahsildar, |) |
| | Nasik. |) |
| 8. | Miss Tejaswinee M. Patil, |) |
| | Working as Tahsildar, |) |
| | Dist-Kolhapur. |) |

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|-----|-------------------------|-----------------------|
| 9. | Shri Audumbar S. Patil, |) |
| | Working as Tahsildar, |) |
| | Dist-Satara. |) |
| 10. | Shri Arun J. Shelar |) |
| | Working as Tahsildar, |) |
| | Dist-Kolhapur. |) |
| 11. | Shri Shivaji R. Magar, |) |
| | Working as Tahsildar, |) |
| | Dist – Beed. |) |
| 12. | Shri Satish A. Thete |) |
| | Working as Tahsildar, |) |
| | Dist-Ahmednagar. |)... Applicant |

Versus

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|----|------------------------------|-------------------------|
| 1. | Government of Maharashtra |) |
| | Through Chief Secretary, |) |
| | Mantralaya, Mumbai 400 032. |) |
| 2. | Government of Maharashtra, |) |
| | Through Principal Secretary, |) |
| | Mantralaya, Mumbai 400 032. |) |
| 3. | Government of Maharashtra, |) |
| | Through Principal Secretary, |) |
| | Revenue & Forest Department, |) |
| | Mantralaya, Mumbai 400 032. |)... Respondents |

Shri M.D Lonkar, learned advocate for the Applicants.

Ms Archana B.K, learned Presenting Officer for the Respondents.

CORAM : Shri Justice A.H Joshi (Chairman)

RESERVED ON : 06.11.2017

PRONOUNCED ON : 09.11.2017

ORDER

1. Heard Shri M.D Lonkar, learned advocate for the Applicants and Ms. Archana B.K, learned Presenting Officer for the Respondents.

2. Applicants 1 to 6 are working as Deputy Collectors on probation and applicants 7 to 12 are working as Tahsildars.

3. The applicants states as follows:-

- (i) That Government did haste in seeking their option in the background of creation of two divisions in Konkan being in the offing.
- (ii) That Government ought to have waited in order that the applicants could have exercised the choice of either of the newly created divisions in Konkan Region.

4. At the outset, learned advocate for the applicants states that:-

- (a) Since the annual transfer season shall be due in near future, applicants would not insist of upsetting the cadre and seeking a direction that they be given an option to choose the either of newly created Revenue Division in view of creation of two new Revenue divisions in Konkan and a posting based thereon.
- (b) Applicants will be satisfied if their claim for choice for allotment in a particular region and transfer/posting accordingly is considered in this ensuing transfer season.

5. It prima facie appears that working of the Government cannot stop, particularly posting of officers cannot stop, because a particular policy is in the offing.

6. Effective deployment is always matter of choice of the Government. Therefore, applicants' expectation cannot crystalize as a right of being considered under new rules, which were in the offing.

7. Applicants claim is based on expectation which cannot be classified as reasonable expectation based on a legal right. Moreover since applicants want to wait and see if their choice could fertilize, this Tribunal clarifies that applicants' claim is not adjudicated.

8. Therefore, if the applicants represent, it would be open for the Government to consider applicants' request for suitable posting. It would certainly be difficult to hold that impugned orders are contrary to law.

9. Hence, barring observations contained in foregoing paras 6 to 8, no relief can be granted to the applicants. Therefore, Original Application stands dismissed. No order as to costs.

Sd/-
(A.H Joshi, J.)
Chairman

Place : Mumbai
Date : 09.11.2017
Dictation taken by : A.K. Nair.