

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.354 OF 2016

DISTRICT : PALGHAR

1. Shri Tanaji Appasaheb Jankar,)
Age : 37 years, Occ. Govt. Service,)
Circle Officer, Tal. Vikaramgad,)
Dist. Palghar.)
2. Shri Dilip Devidas Dhigole,)
Age : 36 years, Occ. Govt. Service,)
Awal Karkoon, Office of the Sub)
Divisional Officer, At P. Tal. Wada,)
Dist. Palghar.)
3. Shri Vivek Namdeo Rathod,)
Age : 38 years, Occ. Govt. Service,)
Awal Karkoon, Office of the Tahsildar,)
Dahanu, At P. Tal. Dahanu,)
Dist. Palghar.)
4. Shri Kailas Panilal Rathod,)
Age : 36 years, Occ. Govt. Service,)
Awal Karkoon, Office of the Tahsildar,)
Jawhar, At Post Tal. Jawhar,)
Dist. Palghar.)
5. Smt. Manjusha Raghunath Kasane,)
Age : 39 years, Occ. Govt. Service,)
Awal Karkoon, Office of the Tahsildar,)
Wada, At Post Tal. Wada, Dist. Palghar.)
6. Shri Sanjeev Gangaram Pardeshi,)



Age : 44 years, Occ. Govt. Service,)
 Awal Karkon, Office of the Tahsildar,)
 Jawhar, At Post Tal. Jawhar,)
 Dist. Palghar)

7. Shri Goma Ramchandra Bangara,)
 Age : 42 years, Occ. Govt. Service,)
 Circle Officer, Office of the Tahsildar,)
 Jawhar, At Post Tal. Jawhar,)
 Dist. Palghar,)

8. Shri Kundan Kisanrao Jadhav,)
 Age : 44 years, Occ. Govt. Service,)
 Circle Officer, Office of the Special)
 Land acquisition Officer,)
 At Post Tal. Dahanu, Dist. Palghar.)

9. Shri Vijay Tolaram Koye,)
 Age : 50 years, Occ. Govt. Service,)
 Awal Karkoon, Office of the Tahsildar,)
 Jawhar, At Post Tal. Jawhar,)
 Dist. Palghar.)

10. Shri Lalchand Dagdu Kankhare,)
 Age : 42 years, Occ. Govt. Service,)
 Awal Karkoon, Office of the Tahsildar,)
 Mokhada, At Post Tal Mokhada,)
 Dist. Palghar.)

11. Shri Vijay Dinkar Shardul,)
 Age : 40 years, Occ. Govt. Service,)
 Awal Karkoon, Office of the Tahsildar,)
 Mokhada, At Post Tal. Mokhada,)
 Dist. Palghar.)

)...Applicants

Versus

1. The State of Maharashtra,)
 Through the Secretary, (Revenue))
 Revenue and Forest Department,)
 Mantralaya, Mumbai - 400 032.)



2. The Divisional Commissioner,)
Konkan Division, Konkan Bhavan,)
Navi Mumbai.)
3. District Collector,)
Thane, District Thane.)
4. District Collector,)
Palghar District Palghar)...**Respondents**

Mr. C.T. Chandratre, Advocate for Applicants.

Ms. N.G. Gohad, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)


DATE : 14.03.2017

JUDGMENT

1. This Original Application (OA) admits to its disposal by giving certain directions to the 3rd Respondent – Collector, Thane.

2. A very detailed narration of facts is not quite necessary now.

3. I have perused the record and proceedings and heard Mr. C.T. Chandratre, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting

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Officer (PO) who is being instructed by Mr. Nandkishor A. Kadam, Awal Karkoon, Establishment Branch.

4. The erstwhile District of Thane came to be bifurcated on 31st July, 2014 into Thane and Palghar Districts. The Applicants 1, 7 and 8 were working as Circle Officers while others were working as Awal Karkoons. The issue relates to the transfer of the Applicants from Palghar to Thane in which connection, the G.R. of 19th August, 2016 issued by the Revenue & Forest Department is the governing one. It is an indisputable factual position that the Circle Officers which are known as Mandal Adhikari being the Applicants 1, 7 & 8 have since been accommodated in Thane District, and therefore, their case is no more at large.

5. In so far as the Applicants 2 to 6 and 9 to 11 are concerned, they are working as Awal Karkoons and they are longing to be posted at Thane District from Palghar District. The Applicants have for analogical sustenance relied upon a G.R. issued by Rural Development Department, dated 29th February, 2016. They apparently wanted a course of action to be adopted in the same line as therein. But as I have already mentioned above, the present matter is governed by the G.R. of 19th August,



2016. Thereunder an appeal is provided vide Clause 8. The Applicants took recourse thereto and preferred an appeal to the Divisional Commissioner, Navi Mumbai being the Respondent No.2. A copy of what is equivalent of the Memo of Appeal is at Page 160 of the PB. By an order made on 27th December, 2016, for all practical purposes, the office of the Commissioner sent back the matter to the Collector, Thane. The Applicants make a grievance that their matter is being tossed around without any fruitful outcome. The learned PO tendered before me a communication from the Tahasildar (Revenue) in the office of the Collector, Thane to the Divisional Commissioner, Konkan Bhavan, New Mumbai and therein it is mentioned inter-alia that 31 Awal Karkoons have given option for Thane District and 11 of them can be accommodated immediately. There is a reference to what has been mentioned as "detailed report".

6. Now, the above discussion must have made it quite clear that the grievance of Mr. Chandratre, the learned Advocate for the Applicants that the matter is being dragged practically for no valid reason is not something that can just be dismissed out of hand as a ritualistic refrain of an adversary. I think, there is substance in the submission of Mr. Chandratre that in the



present case, where nothing seems to be disputed with regard to the principle and the whole thing depends upon the actual effectuation of those principles an outer limit has to be laid down, which for all practical purposes should be applicable to the 3rd Respondent – Collector, Thane.

7. The 3rd Respondent viz. the Collector, Thane is hereby directed to take a final decision in line with what is there already on record including the correspondence just referred to and in the light of the G.R. of 19th August, 2016 in Revenue and Forest Department within one month from today and in whichever way possible to convey its outcome to the Applicants within one week thereafter. The Original Application is allowed in these terms with no order as to costs.

Sd/-
(R.B. Malik)
Member-J
14.03.2017

14.03.17

Mumbai

Date : 14.03.2017

Dictation taken by :

S.K. Wamanse.

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