IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.308 OF 2014

DISTRICT : THANE

Shri Vijay Mahadeo Bhoir,)
Shrinivas Chikhale Baug,)
Behind Santoshi Mata Mandir Marg,)
Kalyan West, District Thane)..Applicant

Versus

1. The Secretary,)
Revenue Department, Mantralaya, Mumbai-32)

2. Commissioner, Konkan Division, Navi Mumbai)

3. Dy. Director, Land Records, Konkan Division,)
Mumbai)..Respondents

Shri Sandeep Dere – Advocate for the Applicant
Shri A.J. Chougule – Presenting Officer for the Respondents
CORAM : Shri Justice A.H. Joshi, Chairman
DATE : 30th September, 2016

J U D G M E N T

1. Heard Shri Sandeep Dere, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. The applicant claims in OA that he was transferred to Talasari at his request but the post was not available at Talasari.

3. The first response of the applicant after his transfer to Talasari is seen from page 20 of the OA which reads as under:

'' विनंती पत्र

श्री. विजय महादेव भोईर
मु. शाई, पो. शिरोशी
ता. मुरबाड, जि. ठाणे,
दि.१४.०७.२००६.

प्रति,
मा. उपसंचालक भूमि अभिलेख,
कोकण प्रदेश मुंबई,
यांचे सेवेशी
दि.१४.०७.२००६.

विषय:- तालुका निरिक्षक, भूमि अभिलेख मुरबाड जि. ठाणे या कार्यालयांत भूकरमापक म्हणून नियुक्ती मिळेणबाबत.....

महाशय,

मी विनंती करतो की आपण माझी नियुक्ती तालुका निरिक्षक भूमि अभिलेख मुरबाड जि. ठाणे येथे दि.३.०१.२००६ च्या पत्रान्वये भूकरमापक म्हणून नियुक्ती दिलेले होती. परंतु तसे पत्र मला मिळालेले नाही आसे मी दि.१०.०४.२००४ च्या पत्रान्वये आपणास कळविले होते. तसेच मी आपणास दि.१०.०४. २००६ च्या पत्रान्वये विनंती केलेली आहे. आपण माझी तलासरी येथिल नियुक्ती रद्द करून मला मुरबाड येथे भूकरमापक म्हणून नियुक्ती द्यावी ही विनंती. तसेच दि. १०.०४.२००६ चे पत्र तपासून पहावे.

कळावे
आपला विश्वासू
सही''

4. This letter does not contain a statement that vacancy is not available at Talasari which has eventually precluded the applicant from joining at Talasari.

5. The applicant has shown no concern between 2007 and 2014 to exercise the legal right by approaching this Tribunal till 2014. The present appears to be a case where the silence speaks.

6. Failure of the applicant to agitate the issue positively speaks in volume of his intention to keep the cause in hanging fire and not to urge for reporting duty and keep the matter alive. The applicant has not shown that any of his legal right is violated. He has not shown that there is a statutory right vesting in his favour and reciprocating the duty on the respondents which the respondent has failed to comply. Therefore, a writ of mandamus or a writ of certiorari cannot be granted.

7. OA has no merit.

8. OA is dismissed.

Sd/-
(A.H. Joshi, J.)
Chairman
30.9.2016

Dictation taken by: S.G. Jawalkar.

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