

Shri. Vilas Babu Waghmare } Petitioner
versus
The Divisional Commissioner }
Konkan Division and Anr. } Respondents

Ms. Aparna D. Vhatkar - AGP for
respondent nos. 1 and 2.

DATED :- JANUARY 27, 2017

1. The petitioner joined the Government service. He passed the qualifying examination. The respondents declared a seniority list for general category and Scheduled Tribe candidates. The petitioner raised an objection to this seniority list. The petitioner then addressed a letter. He relies upon some meetings, which have been held in the office of the Divisional Commissioner, Konkan Division, Konkan Bhavan, Navi Mumbai. Then, it is stated that the second respondent issued a direction to the first respondent to fill up the vacant post of Nayab Tahsildar. The

petitioner was, thus, promoted on 3rd March, 2014 from Awal Karkun to Nayab Tahsildar on provisional basis subject to some terms and conditions. Then, there was an issue remaining of revision in the final seniority list. The petitioner was demoted after the order passed by the Maharashtra Administrative Tribunal in Original Application No. 46 of 2014 on 24th December, 2014. However, later on, the petitioner was promoted to the post of Nayab Tahsildar. However, later on, the petitioner came to be demoted. The petitioner has, in terms of the illegal demotion from the post of Nayab Tahsildar to Awal Karkun, once again approached the Maharashtra Administrative Tribunal and filed Original Application No. 55 of 2015. That appeal was disposed of as withdrawn.

2. However, on account of the petitioner's demotion and consequent displacement in the final seniority list, the petitioner preferred Appeal No. 789 of 2015 before the State Government. That was listed before the Minister of Revenue, Government of Maharashtra.

3. After having raised a query to Mr. Dande as to under what provision either of the service rules or regulations or any law can a Minister be empowered to take note and cognizance of the grievance pertaining to the petitioner's service conditions,

Mr.Dande was unable to place before us any such rule, regulation or law containing the remedy of appeal and the Minister's authority to deal with it. In the absence of all this and there being a clear indication from the record that on several occasions the petitioner has approached the competent tribunal under Section 15 of the Administrative Tribunals Act, 1985 that we do not think that the writ petition can be entertained. It is disposed of on the ground that the petitioner has alternate and equally efficacious remedy to approach the Maharashtra Administrative Tribunal.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)