

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 655 OF 2015

ATUL DINESH KULKARNI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....

Advocate for Petitioner : Mr. V. B. Wagh
AGP for Respondent Nos. 1 to 4 : Mr. G. K. Naik-Thigale

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 16th JUNE, 2015

PER COURT :

1. Mr. Wagh, the learned counsel for the petitioner stats that the termination order dated 25.05.2012 is illegal and *per-se* bad. Termination is without even notice to the petitioner. The learned counsel submits that the grounds stated in the termination order are erroneous. The learned counsel, in alternate, submits that the Executive Engineer has forwarded a proposal to the Superintending Engineer to take decision on the representation of the petitioner. The same is not decided.

2. Mr. Thigale, the learned AGP submits that the petitioner was appointed on contract basis for one year and thereafter was granted extension. The services of the petitioner were terminated on

25.05.2012 for the reasons stated in the order. Prior to terminating the petitioner, four times show cause notice / warning was issued to the petitioner for non-attendance of important meetings, non-observance of duties, absence from duties without prior permission, non-performing tender procedure. The said notices were also sought to be served upon the petitioner on the e-mail I.D. of the petitioner. Even representation of the petitioner has been decided and communicated to the petitioner on 11.02.2015.

3. We have considered the submissions canvassed by the learned counsel for the respective parties. It appears that prior to terminating the petitioner, who was appointed on contract basis for a specific period, four times show cause notice was issued to the petitioner. It is not that the petitioner was a permanent employee, however, he was appointed for a fixed period. The said period is also over. Even the representation of the petitioner was considered and has been suitably replied. In light of that, no case for interference is made out. The writ petition accordingly stands disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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