

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 904 OF 2014

Yogpati S/o Karuji Kosankar

-vs-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mrs.R.S.Sirpurkar, counsel for the petitioner.

Mr.N.R.Patil, AGP for the respondent No.1.

Mrs.S.W.Deshpande, counsel h/f Mrs.M.PMunshi, counsel for the
respondents No.2 to 4.

CORAM : SMT.VASANTI A. NAIK &
PRASANNA B. VARALE, JJ.

DATE : 01.07.2015.

By this petition, the petitioner seeks a direction restraining the respondent No.4-Block Development Officer from terminating the services of the petitioner. The petitioner has sought a declaration that the action of the State of Maharashtra to withdraw the Watershed Development Project is violative of the provisions of Article 14 of the Constitution of India.

The petitioner was appointed on contractual basis on the Watershed Development Project of the State Government that was implemented by all the respondents. The petitioner continued to work in the said Project on contractual basis till the respondents sought to effect the termination of the services of the petitioner in view of the discontinuation of the Watershed Development Project. According to the petitioner, the withdrawal of the Watershed Development Project by the State Government is bad-in-law.

The petitioner also seeks the continuation of his services either in the Watershed Development Project or in any other project of the Panchayat Samiti. Though the petitioner had initially sought a direction restraining the respondents from terminating his services, it is fairly stated on behalf of the petitioner that his services have been terminated.

On hearing the learned counsel for the parties, it appears that the relief sought by the petitioner cannot be granted. The petitioner was not appointed on a regular establishment, but was appointed in the Watershed Development Project under the scheme of the State Government. The advertisement issued by the Panchayat Samiti on the basis of which the petitioner was appointed to work on the said Project clearly shows that applications were invited from candidates for appointment on temporary posts for a period of eleven months, on contract basis and on an honorarium. The petitioner was well aware when he applied for the said post that his appointment was on contractual basis for a period of eleven months under the Project of the State Government, on honorarium. Since the Project of the State Government was discontinued and withdrawn, the services of the petitioner could not have been continued. The Panchayat Samiti-respondent No.4, therefore, rightly terminated the services of the petitioner on the withdrawal of the Project. A direction restraining the respondents from terminating the services of the petitioner cannot be issued in the aforesaid circumstances. Also, it cannot be said that the action on the part of the State Government to discontinue the project is arbitrary or violative of the provisions of Article 14 of the Constitution of India. The petitioner is unable to

demonstrate in what manner the provisions of the Constitution are violated. The petitioner cannot effectively challenge the withdrawal of the project by the State Government, as the petitioner was appointed on the temporary post on contract basis for a period of eleven months, on honorarium.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE