

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Writ Petition No. 3311 of 2015

(Mrs. Dr. Priya Pandurang Dongre Vs. Municipal Corporation, Akola through
its Commissioner and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri A. S. Kilor, Advocate for the petitioner
Shri Anjan De, Advocate for the respondent no. 2

**CORAM : Smt. V. A. Naik and
P. B. Varale, JJ.**

DATE : 23-11-2015.

Heard.

The petitioner challenges the order dated
30-4-2015, terminating the services of the petitioner
as City Programme Manager.

In pursuance of a scheme of the Central
Government under the National Urban Health
Mission, the petitioner was appointed by the
Municipal Corporation as a City Programme Manager
for a period of one year with effect from 7-2-2015 to
6-1-2016. The services of the petitioner were
terminated by the impugned order on the ground
that the post of City Programme Manager was not
sanctioned and the respondent – Corporation did not
have funds to pay the salary of City Programme

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Manager, who was not their employee.

On hearing the learned counsel for the parties, it appears that the relief sought by the petitioner cannot be granted in the circumstances of the case. Admittedly, the petitioner was not appointed by the respondent - Municipal Corporation as their regular employee but was appointed as the City Programme Manager in pursuance to the National Urban Health Mission scheme. Since the Government refused to release the salary of the City Programme Manager and since the Corporation could not bear the salary of the petitioner as she was not its employee, it appears that the services of the petitioner were terminated. This is not a case where the respondent - Corporation terminated the services of the petitioner as they were not satisfactory. The order therefore does not cast any stigma on the petitioner. Also, we do not find that the respondent – Corporation is intending to appoint any other person as City Programme Manager by terminating the services of the petitioner. In the circumstances of the case, the order of the respondent – Corporation

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cannot be interfered with.

In the result, the writ petition fails and is dismissed with no order as to costs. If the respondent – Corporation employs any other person as City Programme Manager, the petitioner would be free to agitate the issue in regard to her illegal termination before the appropriate forum.

Order accordingly.

JUDGE

JUDGE

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