

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

WRIT PETITION NO. 5456 OF 2015

Sachin Vasantrao Ingle

-vs-

State of Maharashtra and another

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

Court's or Judge's Orders.

Mr. R.D.Wakode, counsel for the petitioner.
Ms N.P. Mehta, AGP for the respondents.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 29.09.2015.

By this petition, the petitioner challenges the impugned communication of the Divisional Commissioner, Amravati dated 24/08/2015 granting extension to the appointment of the petitioner as a Divisional Disaster Management Coordinator and District Disaster Management Officer till 30/09/2015.

According to the petitioner, the State Government decided to adopt and implement the Maharashtra Disaster Risk Management Programme and in pursuance of an advertisement, issued by the Collector, Amravati, the petitioner was appointed on the post of Disaster Management Officer on 30/05/2014. Initially, the State Government decided to implement the programme only till March, 2015, but by the circular dated 16/04/2014, the State Government decided to extend it till 15/06/2015. On 24/06/2015 the State Government issued a resolution for implementation of the programme till 31/03/2016. By the said resolution, the Divisional Commissioner and the Collector were permitted to fill the post of District Disaster Management Officers after issuance of an advertisement in the local newspapers. After the Government

Resolution dated 24/06/2015 was issued, the Collector granted extension to the services of the petitioner as a District Disaster Management Officer till 30/09/2015. By the impugned communication, it was informed to the petitioner that the petitioner should cease to work as a District Disaster Management Officer after 30/09/2015. The petitioner has impugned the communication of the Divisional Commissioner, Amravati in the instant petition.

On hearing the learned counsel for the parties and on a perusal of the various documents annexed to the petition, it appears that the relief sought by the petitioner cannot be granted. The petitioner was appointed only on contractual basis as District Disaster Management Officer on a fixed honorarium. The appointment was in pursuance of the programme that was adopted by the State Government for a limited period. Merely because the programme was extended, the petitioner did not have a right to seek the extension of his contractual appointment till the programme continued. The State Government on two occasions extended the programme by few months. The programme was lastly extended by the Government Resolution dated 24/06/2015. As per the said resolution, the concerned Divisional Commissioners and the Collectors were required to fill the posts of District Disaster Management Officers for the implementation of the programme by following the due procedure, including the procedure of issuance of an advertisement in the local newspapers. For the extended term till 31/03/2016, the appointments could have been made by following the selection procedure including issuance of an advertisement, as per Government Resolution dated 24/06/2015. We have already mentioned herein above that the petitioner does not have any right to seek the continuation of his services, specially when the petitioner is appointed clearly on contractual basis on a fixed honorarium and the appointment order depicts that the petitioner could be removed even before the expiry of the term of

the appointment. In the instant case, the petitioner is not removed during the term of his appointment. Merely because some other District Collectors have continued the services of the persons that were earlier appointed, a right is not created in favour of the petitioner.

Since the petitioner does not have a right to seek the extension of his services, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE