

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2232 OF 2015

Shri. Chandrakant B. Tupe. ...Petitioner.
vs.
The State of Maharashtra and anr. ...Respondents.

Mr. Nilesh S. Patil for the Petitioner.
Mr. V.N.Sagare, AGP for the State.

CORAM : R.M. BORDE AND
A.S. GADKARI, JJ.
DATE : 20th January, 2017

PC:

The petitioner is objecting to the order passed by the Maharashtra Administrative Tribunal dismissing the original application presented by him challenging the order of his discharge from service.

2. The petitioner was appointed as police constable by an order dated 5.7.2002. Initially the appointment of the petitioner was for a period of three years as a temporary employee. It is specifically recorded in the order of appointment that the appointment is temporary and his services can be terminated without assigning any reason by issuing one month's prior notice or payment of notice pay. It is revealed that the petitioner was involved in Criminal case bearing CR No.79 of

2004 which came to be registered for offences punishable under Sections 324 and 504 of the Indian Penal Code. The petitioner was arrested and thereafter released on bail. It is contended that the trial court convicted the petitioner however, he has been acquitted in an appeal presented by him. After registration of the offence the petitioner was discharged by issuing one month's notice by the respondent. After discharge of the petitioner he approached his departmental superiors with a request to reconsider the adverse order of discharge issued to him. The representation tendered by the petitioner was not considered and ultimately he approached the Tribunal after lapse of about 7 years from the date of the impugned order. The Tribunal did not find any convincing ground to condone long delay of 7-years.

3. We have perused the judgment recorded by the Maharashtra Administrative Tribunal and we do not find anything unreasonable and inconsistent in the order passed by the Tribunal. Apart from this, it must be stated that the petitioner was temporary employee and he has been discharged from service by issuing an order in that regard. The adverse order issued by respondent No.2 does not put any stigma on the employee. The order of discharge simpliciter does not dis-

entitle him from securing fresh employment nor it attaches any stigma. It is permissible for the employer to terminate the services of the petitioner by issuing one month's notice without assigning any reason, since he was not a confirmed employee but was under going probation. We do not find any irregularity and infirmity in the order passed by the respondent in discharging the petitioner who was functioning as probationary police constable, in exercise of extra ordinary jurisdiction under Constitution of India. No interference is called for. Petition is devoid of any merits and is accordingly dismissed.

(A.S.GADKARI, J.)

(R.M. BORDE, J.)