

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7965 of 2017

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Kameshwar Singh, S/o Ram Janam Singh, Resident of Mohalla- Magadh Colony Road No.- 1, P.S. Medical College, Dist.- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Agriculture Department, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Director Agriculture, Agriculture Department, Government of Bihar, Patna.
4. The District Agriculture Officer, Gaya, Dist.- Gaya.
5. The Accountant General (A & E)-II, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Respondent/s : Mr. Jay Prakash Sharma, AC to GP-21

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-04-2018 Shorn of the un-necessary details, the fact is that the petitioner was appointed vide office order no.4203 dated 1.9.2011 issued by the Director, Agriculture, Bihar, Patna on a contractual basis as a Financial Consultant on payment of a lump sum amount of 20.000/- and it was stipulated in the said appointment letter that the appointment is purely contractual, temporary and can be terminated without any prior information.

2. It was further provided in the said appointment letter that the payment of wages would be made from the contingency fund of the National Agricultural Development Project and the contractual appointment of the said appointees would be renewed, and if their services are found to be



satisfactory, their contractual appointment would be extended for additional one year.

3. It is the case of the petitioner that the petitioner had continued to work after being granted extension from year to year, but suddenly on 9.9.2016 he had received a show cause notice whereby and whereunder the petitioner was asked to submit his show cause reply in view of the fact that during the course of audit and review of the working of the National Agricultural Development Project it has been found that the accounts had not been properly kept, hence the work of the petitioner was found to be not satisfactory. The petitioner is said to have filed an reply, which is not on record, however, the authorities did not find favour with the reply submitted by the petitioner herein, hence terminated his contractual appointment by an order dated 17.1.2017, which is under challenge before this Court.

4. Per contra, the learned counsel for the respondents has submitted that the appointment letter of the petitioner herein clearly stipulates that firstly the appointment of the petitioner is purely on contract basis and temporary and secondly it can be terminated without prior information/ notice, hence the petitioner should have no grievance since his service has been terminated only after compliance of the principles of natural justice inasmuch



as the petitioner has been given a show cause and after receipt of his reply, termination order has been passed.

5. It is a trite law that the contractual employees are not appointed against a particular post, hence they have no right to continue in service and it is the employer on whose direction the contractual appointment has to come to an end depending on the employer as also the conduct of the appointees.

6. In view of the aforesaid, I find that the respondents have not committed any wrong in terminating the service of the petitioner herein by the impugned order dated 17.1.2017 inasmuch as firstly the appointment of the petitioner was purely contractual and temporary and secondly the authorities had found the services of the petitioner to be deficient and, therefore, they found that there was no need to continue the petitioner in service any longer, hence they had terminated the service of the petitioner, vested with the power to do so, which is apparent from the appointment letter of the petitioner dated 1.9.2011.

7. For the reasons aforesaid, there is no merit in the present writ petition. It is, accordingly, dismissed.

(Mohit Kumar Shah, J)

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