

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

27 WRIT PETITION NO. 833 OF 2017

ANAND KERBA TAPASKAR AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER ..RESPONDENTS

...
Mr. Ganesh P. Shinde, Advocate for the Petitioners.
Mr. N. T. Bhagat, AGP for Respondents-State.
...

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 10th JULY, 2018.

PER COURT:-

1. Mr. Shinde, learned counsel for the petitioners submits that in the year 2010, the petitioners were appointed on contractual basis to work in Mahatma Gandhi National Rural Employment Guarantee Scheme with initial appointment for a period of 11 months. They were continued from time to time and abruptly on 28.12.2015 order is issued discontinuing the petitioners. The learned counsel submits that principle of natural justice are not followed, while issuing the said order. No intimation was given to the petitioners. The learned counsel submits that scheme is still in force. The petitioners were working as Messenger-cum-peon at various Tahasil offices. The learned counsel submits that impugned order deserves to be set aside.

2. The learned AGP submits that, in view of the change in the work, the petitioner could not be continued. The last extension was granted to them up to 06.11.2015. The human resources for the said scheme was reduced and as such these persons could not be continued.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. It is not disputed that the petitioners were appointed on contractual basis initially for a period of 11 months and they were continued up to the impugned order. There is nothing on record to show that petitioners were appointed after following due selection process conducted by the duly constituted selection committee. The petitioners were working on honorarium. On completion of the tenure, the respondent did not extend the period. Certainly, in such a case, the petitioners cannot claim that respondent ought to have followed the principle of natural justice.

5. The learned counsel for the petitioners submits that for last two months the amount is also not paid to the petitioners for the work done.

6. The respondent is duty bound to pay the petitioner the emoluments for the work done. The respondent shall verify the accounts and if amount

is not paid to the petitioners for the period they have worked, the respondent shall pay the amount due and payable within three months.

7. The writ petition is disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/July-18