

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2252 OF 2016

Santosh Nagnath Kadam	...	Petitioner
Vs.		
Jt. Director (Non-Tech), National Health Mission and others	...	Respondents

Mr. S. D. Patil for Petitioner.
Ms Anjali Helekar i/b. Mr. A. R. Kapadnis for Respondent No.3.
Mr. S. L. Babar, AGP for Respondent No.4.
Ms Bhagyashree Rangari, Legal Consultant, National Health Mission
present.

**CORAM : R. M. BORDE &
R. G. KETKAR, JJ.
DATE : FEBRUARY 05, 2018**

P.C. :

The petitioner is objecting to the order dated 21.12.2015 issued by the Deputy Director (Non-Technical), National Health Commission, Mumbai terminating services of the petitioner. The petitioner was engaged on temporary basis for a period between 05.02.2015 to 04.01.2016. The appointment of the petitioner was on contract basis and he was eligible to receive honorarium. The appointment of the petitioner was not as against the permanent post nor the nature of work assigned to the petitioner is of permanent nature. The petitioner does not hold a civil post, and as such, is not entitled in law to continue beyond the contractual period. The services of the petitioner have been dispensed with on account of certain irregularities committed by him. The petitioner contends that his services have been dispensed with without holding any enquiry.

2. As has been recorded above, the petitioner was engaged on

contractual basis for a fixed tenure and was entitled to claim honorarium. If at all the petitioner is of the opinion that his services have been illegally dispensed with, the only remedy available to him is to claim damages on account of the restraint imposed by the respondents in continuing with the employment for the rest of the period. Writ Petition raising exception to the order of termination need not be entertained in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India. Writ Petition is devoid of substance and stands rejected.

(R. G. KETKAR, J.)

(R. M. BORDE, J.)

Minal Parab