

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

33 WRIT PETITION NO.9282 OF 2018

SHRIDHAR RAMBHAU SAHAJRAO

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Shrikant Krishnarao Patil, Advocate for the
Petitioner.

Mr. S. K. Tambe, AGP for Respondents-State.

Mr. Sanjay V. Mundhe, Advocate for Respondent No.3.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 13th FEBRUARY, 2019.

PER COURT:-

1. The petitioner is appointed as contractual Gramsevak. The service of the petitioner has been put to an end. Aggrieved thereby, the petitioner approached the Commissioner, the Commissioner dismissed the revision. Aggrieved thereby, the present writ petition.

2. Mr. Patil, learned counsel for the petitioner submits that for 8 years the petitioner has worked as contractual Gramsevak, however, the petitioner was not absorbed. In fact, the petitioner ought to have been absorbed by the respondent after 5 years. The learned counsel for the petitioner submits that without conducting any

departmental enquiry and without giving any opportunity, the petitioner has been dismissed from service, the same is not permissible. The learned counsel further submits that no specific irregularities has been pointed out.

3. According to Mr. Mundhe, learned counsel for the respondent submits that the petitioner was contractual employee and more than 24-25 notices were given to the petitioner from the year 2011. In one of the reply he admitted that he would improve his performance, however, the performance was not improved. Again notices were given to the petitioner. Final show cause notice was also given to the petitioner, but the petitioner did not reply.

4. We have gone through the order of the Commissioner. It appears that, the petitioner has worked as contractual Gramsevak for 8 years and the service conditions of the contractual Gramsevak are governed by the Government Resolution dated 06.06.2001. The said Government Resolution prescribes the conditions of service. The said Government Resolution provides that the initial appointment would be for 11 months and upon lapse of 11 months the appointment would come to an end and if the performance is satisfactory again petitioner would be appointed on contractual basis. The Clause 10 of the Government Resolution further

states that if the work is satisfactory, upon completion of 5 years the contractual Gramsevak can be absorbed on regular post in pay scale. The condition precedent is that the performance should be satisfactory. The report of the Deputy Director of Education is required to be considered.

5. It has appeared in the order of the commissioner that numerous notices were given to the petitioner viz on 22.09.2009, 05.01.2010, 11.01.2010, 19.01.2010, 31.05.2010, 09.06.2010, 20.12.2011, 22.01.2012, 19.07.2012, 16.07.2012, 15.09.2012, 13.09.2012, 21.12.2012, 26.12.2012, 27.12.2012, 03.01.2013, 18.02.2013, 19.02.2013 and 16.04.2013. The Appellant on 26.04.2013 had given explanation and has sought for one more opportunity to improve performance. However, still the appellant did not improve his performance, again the petitioner was given notices on 31.03.2015, 30.05.2015, 04.06.2015 and 18.06.2015, however, the performance was not improved and eventually, as per the report of the Block Development Officer dated 12.08.2015 recommending for terminating the services of the petitioner a final show cause notice was issued on 17.01.2016 seeking explanation from the petitioner, in spite of service of notice the petitioner did not reply.

6. The petitioner as was only a contractual employee and in spite of the fact that numerous

notices as reproduced supra were given to the petitioner, so also the report of the Block Development Officer regarding the performance of the petitioner, the decision was taken to put to an end to the service of the petitioner.

7. The commissioner has also considered all the relevant aspects of the matter. In light of the above, no case for interference is made out. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE