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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6913 OF 2021**

Dr. Milind M. Kesarkhane

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Nagesh Y. Chavan for petitioner.

Mr. B. V. Samant, AGP for State.

**CORAM :- DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE :- NOVEMBER 17, 2021

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PC :-

1. This writ petition is directed against an order dated 2nd February, 2021 passed by the Maharashtra Administrative Tribunal, Mumbai (hereafter "the Tribunal" for short) dismissing the petitioner's original application.
2. The petitioner was appointed on temporary basis as a Medical Officer. Such appointment was continued from time to time. As per the last order of appointment dated 11th September, 2019, the petitioner was required to discharge his duties as Medical Officer from 1st October, 2019 to 28th January, 2020. Beyond 28th January, 2020, the petitioner's temporary service was not continued and as such his service came to an end.
3. The Tribunal had been approached by the petitioner on 27th January, 2020 primarily seeking an order that he ought to

be continued in service beyond 28th January, 2020. Interim relief, prayed for, was refused, resulting in the petitioner's service coming to an end on 28th January, 2020. This being the position, the first prayer made by the petitioner in his original application did not survive and was rightly not considered by the Tribunal.

4. However, the second prayer of the petitioner was that in his place no doctor should be appointed on temporary basis.

5. The Tribunal found, as a matter of fact, that the petitioner while in temporary service had indulged in some sort of misconduct and an inquiry committee was constituted. A decision was taken by the employer thereafter not to continue his service further. In our view, the findings of the inquiry committee did not form the foundation for not continuing the petitioner's service; instead, it was in the realm of motive for such non-continuance. The Tribunal took the view that the petitioner not having been terminated from service as a punitive measure, and his service having come to an end by efflux of time, he had no right to claim that it is only he who should be appointed on temporary basis and not anyone else.

6. We have perused the order of the Tribunal and are *ad idem* that no case for interference had been set up by the petitioner.

7. Mr. Chavan, learned advocate appearing for the petitioner has submitted that the order passed by the Tribunal would work out serious prejudice and detriment to the petitioner while he seeks employment elsewhere.

8. It is found from paragraph 9 of the impugned order that the Tribunal has duly recorded that service of the petitioner has come to an end by reason of the terms of the offer of appointment and that there has been no termination of service based on misconduct. We are satisfied that such observation of the Tribunal is sufficient to take care of the petitioner's grievance, if any.

9. The impugned order being unexceptionable is, accordingly, upheld. This writ petition, thus, stands dismissed. There shall be no order as to costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)