

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.957 OF 2019

Shivkumar Shrinarayan Prajapati,
aged about 37 years, working in
the post of Research Officer
(Occupational Hygiene), National
Institute of Miners' Health, Nagpur,
r/o Plot No.192, Sanyal Nagar,
Nari Road, Nagpur-440 026.

... Petitioner

- Versus -

1) Union of India, through Secretary,
Ministry of Mines, Room
No.D-314, 3rd Floor, Shastri Bhawan,
New Delhi – 110001.

2) National Institute of Miners' Health,
through the Director, JNARDDC
Campus, Opp. Wadi Police Station,
Amravati Road, Wadi,
Nagpur-440023.

... Respondents

Shri B. Lahiri, Advocate for the petitioner.

Shri S.A. Chaudhari, Advocate for the respondents.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : MAY 4, 2021

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Hearing was conducted through Video Conferencing and the learned Counsel for the parties agreed that the audio and visual quality was proper.

2) Rule, returnable forthwith. Heard finally by consent of learned Counsel for the parties.

3) The petitioner was appointed to the post of Research Officer (Occupational Hygiene) by appointment letter dated 12/10/2015. The appointment of the petitioner was on certain terms, which are specifically mentioned in his appointment letter. Two of the terms, which are relevant for the purpose of this petition are reproduced as under :

“1) Your appointment will be initially on contract for a period of 05 years from the date of joining and assumption of charge unless renewed.

2)

3)

4) On successful completion of the contract period and appropriate recommendation of the duly constituted Contract Review and Merit Assessment Committee, accepted by the

Competent Authority, your service will be regularized retrospectively from the date of joining.”

4) It would be clear from the aforesaid terms that the contractual appointment of the petitioner was to come to an end upon expiry of contract period unless the appointment was renewed. It would be further clear that before the appointment of the petitioner could be renewed, procedure as prescribed under aforesaid term no.4 was required to be completed.

5) In the present case, the procedure as contemplated under term no.4 was neither initiated nor completed, with the result, there was no appropriate recommendation of the duly constituted Contract Review and Merit Assessment Committee for renewal of appointment of the petitioner. As this process was not completed in any manner, there was no question of appointment of the petitioner having been renewed in terms of term no.1.

6) It is the contention of Shri Lahiri, learned Counsel for the petitioner, that the appointment of the petitioner does not come to an end automatically and it has to be deemed to have been

continued, if one carefully reads the appointment letter dated 12/10/2015. Shri Chaudhari, learned Counsel for the respondents, disagrees.

7) In our view, learned Counsel for the respondents is right. A careful reading of the appointment letter, which in fact we have already done in the earlier paragraph, would only show that unless the procedure as contemplated under term no.4 is completed, no question of renewal of appointment of the petitioner would arise and it did not arise in the present case in any manner as the procedure prescribed in term no.4 was never initiated and completed. Besides this, even before the said procedure could be completed, by the termination letter dated 19/10/2016, the selection made against Advertisement No.2/2014 by which petitioner was appointed on contract basis, came to be cancelled by the Ministry of Mines by its decision communicated vide letter dated 27/9/2016. The contract period of service of the petitioner expired on 19/10/2020 during pendency of this petition and there being no renewal of appointment of the petitioner, which was so necessary, this petition has also been rendered infructuous.

8) For the reasons stated above, we find no merit in the petition.

The petition stands dismissed. Rule is discharged. No costs.

JUDGE

JUDGE

khj