

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 4793 OF 2019

(Bhaskar S/o. Janardhanrao Vaidya vs. State of Maharashtra and ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A. S. Dhore, Advocate for petitioner.
Mr. D. P. Thakare, Addl. G. P. for respondent Nos.1 to 4.

**CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.**

DATE : 05/10/2021

Heard.

2. The petitioner is aggrieved by his fresh appointment at the office of the Panchayat Samiti, Daryapur, which has been made by the Collector, Amravati by order dated 29/11/2017. The petitioner was initially appointed on contract basis as a Data Entry Operator and lateron, again he was appointed on contract basis on the post of Assistant Programming Officer. Such an appointment of the petitioner was for carrying out the object of Employment Guarantee Scheme of the Government and therefore, his posting was made in Panchayat Samiti. Some time later, the Controlling Officer i.e. Divisional Commissioner, Amravati found that

the services of the petitioner were no longer required by the Employment Guarantee Scheme branch of the Government and therefore, he directed the District Collector Amravati to terminate the services of the petitioner with immediate effect vide its communication dated 12/10/2017. The communication, however, was not completely acted upon by the District Collector, Amravati and instead of terminating the services of the petitioner, he issued a fresh appointment order on contractual basis to the petitioner, which is under challenge in the present petition. This fresh appointment order appears to have been wrongly taken by the petitioner as his transfer order.

3. It appears to us that the calamity that was about to befall the petitioner by virtue of the communication dated 12/10/2017 issued by the Divisional Commissioner, Amravati has been averted by the District Collector, Amravati when he graciously issued a fresh appointment order to the petitioner. But, the petitioner instead of accepting the fresh appointment, chose to challenge the same and the challenge was rejected by the Maharashtra Administrative Tribunal and rightly so. In paragraph 8 of the impugned order passed by the Tribunal, it is held that as there was no work for Assistant Programming Officer, the applicant was repatriated to the office of respondent No.4 and as there

was no work to accommodate the petitioner even there, the petitioner was transferred to Panchayat Samiti, Daryapur.

4. Except for the mistake that the communication dated 29/11/2017 was wrongly treated as transfer order by the Tribunal, the reasons given by the Tribunal and the conclusions made in its order, in our opinion, are correct. When the initial appointment of the petitioner was on contractual basis, no right was created in favour of the petitioner to continue with the said appointment and therefore, his termination from his first appointment on the ground that his services were no longer required at the place where he was initially appointed, could not be questioned by him. The decision taken by the Divisional Commissioner for discontinuation of the services of the petitioner was not for any such reasons as were stigmatic to the petitioner, but, was for the reasons which were of necessity. Therefore, such a decision could not have been challenged in any manner by the petitioner and that if the decision had been really implemented in its letter and spirit by the District Collector, Amravati, the petitioner would have lost his contractual job altogether. The District Collector, Amravati, however, in his wisdom and out of compassion for the petitioner thought it fit to issue the fresh appointment order, within his power, to the petitioner and even this appointment order, which was

issued for the benefit of the petitioner, unfortunately has not been taken by him in its right spirit. If this is the case, the petitioner would have to blame none, but himself.

5. Thus, we find that there is no merit in the present petition. The Writ Petition is summarily dismissed. No costs.

JUDGE

JUDGE