

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6199 OF 2022

Dr. Umesh Subhash Rathi .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 I. A. Fidvi, Advocate for the petitioner
Mr A. M. Deshpande, I/c. GP for respondent Nos. 1 to 3

CORAM : SUNIL B. SHUKRE AND

G. A. SANAP, JJ.

DATED : 06.10.2022

Heard learned counsel for the petitioner and
learned I/c. Government Pleader for the State.

2] The petitioner is agitated by inaction on the part of the Maharashtra Administrative Tribunal in not taking up his application for grant of interim relief in the nature of passing an order of *status quo ante* so that the petitioner can be reinstated in his contractual service.

3] It is also the contention of the petitioner that the impugned order dated 12.07.2022 has been passed without granting any opportunity of hearing to the petitioner and that further illegal action has been taken by the respondent No. 3 in appointing another contractual employee in place of the petitioner.

4] As rightly pointed out by Mr A. M. Deshpande,

learned I/c. Government Pleader, the issue of restoration of *status quo ante* in relation to contractual service of petitioner is now rendered infructuous for the reason that even if such a relief is granted to the petitioner, still the petitioner would not be in a position to resume his service as a contractual Medical Officer. The order of contractual appointment of the petitioner shows that he was appointed in service for the period from 07.04.2020 till 04.08.2020, which was so initially and then was continued in his contractual service lastly till 03.08.2022. Since the period of contractual service of the petitioner has come to an end by the efflux of time, now there is no question of restoring *status quo ante* in relation to the contractual service of the petitioner. Therefore, we find that the reluctance on the part of the Maharashtra Administrative Tribunal in deciding the issue is not without any reason and as such, there is no need for this Court to issue any direction to the Maharashtra Administrative Tribunal in this regard.

5] As regards the argument that the impugned order dated 12.07.2022 has been passed without giving any opportunity of hearing to the petitioner, we find that this issue would have to be appropriately considered by the Maharashtra Administrative Tribunal by taking into consideration the terms and conditions of the contractual appointment of the petitioner. Condition No. (8) in this regard is relevant. Similarly, we do not find any condition therein which requires prior opportunity of hearing to be

granted to the petitioner before invocation of Condition No. (8). Then there is also an issue of seeking damages in case the contract is terminated or before its term is over. For this purpose, an appropriate civil remedy is available to the petitioner. Of course, all these aspects of this case would have to be properly considered by the Maharashtra Administrative Tribunal without being influenced in any manner by the observations made herein above.

The writ petition stands summarily **dismissed**. No costs.

(G. A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Namrata