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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6194 OF 2022

Ramesh Kumar Mishra

..... Petitioner

Vs.

The State of Maharashtra & Ors.

..... Respondents

Mr. Siddharth Seshadri I/b. Mr. Rahul Walia for the Petitioner

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : APRIL 17, 2023

P.C.

1. The matter was called out in the morning session. A request was made to keep the matter back. In the afternoon session, the same is taken up.

2. The learned Counsel for the Petitioner submits that the order terminating the services of the Petitioner is stigmatic. No show cause notice was issued to the Petitioner before passing the order of termination. No inquiry was conducted. The cause for terminating the services is on the basis of some performance report submitted by the DGM E&M of the Respondent. A copy of the same was also not given to the Petitioner. The Petitioner had rendered 41 years of service with the Railways in the field of horticulture and retired as

Divisional Engineer, Horticulture. After retirement in the year 2013, the Petitioner served with Maharashtra Metro Railway Corporation Ltd, Nagpur on the post of Dy. General Manager (Horticulture). In the year 2013, the work of the Petitioner was appreciated and he received an award for his dedication and hard-work. According to the learned Counsel, the tenure of the Petitioner was for one year with the Respondent. Within four months, the impugned order was passed and that too on the basis of a baseless report. The Petitioner be reinstated in service.

3. The appointment of the Petitioner was a tenure appointment for one year under appointment order dated 10th February 2021. He was appointed on the post of Advisor (Horticulture) w.e.f. 15th January 2021 for a period of one year on consolidated remuneration. The impugned order of termination reads thus:

“: Office Order :

The Services of Shri Ramesh Kumar Misra, Advisor (Horticulture) are hereby terminated w.e.f. 31/04/2021 (AN).

This order issued with the approval of Competent Authority.

*Sd/- 31.05.2021
(Rahul Ahire)
DGM (HR)”*

4. On perusal of the order, it is manifest that the same is not stigmatic. No allegations are made against the Petitioner. As such, it

cannot be said that the order of termination is stigmatic.

5. Moreover, the said order is passed on 31st May 2021 and the Petitioner has filed the present petition at the fag end of December 2021 and the tenure of the appointment of the Petitioner even as per the appointment order was upto 14th January 2022. It would be too late in the day now to consider the request of the Petitioner for reinstatement that too when the tenure is over.

6. In light of the above, no further relief can be granted to the Petitioner. The Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)