



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

WRIT PETITION NO. 3636 OF 2024

(Smt. Savita d/o Vasantrya Khadse after marriage Savita w/o Bhagwan Tale ..vs.. Central Government of India and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Smt. S.W. Deshpande, Counsel for the petitioner.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 20-06-2024

The petitioner holds qualification of M.Sc. in Physics and B.Ed.

2. Respondent No.1 upon approval of respondent Nos.2 and 3 issued an advertisement for the post of Technical Associate in Geographic Information System and Digital Image Processing (GIS & DIP) on 08-1-2007. The petitioner in response to the same had participated in the selection process and was interviewed. On 21-6-2007 an appointment order came to be issued to the petitioner appointing her for a period of six months on the post of Technical Associate. After the said appointment order, a contract was executed.

3. The fact remains that since 21-6-2007 till this date the petitioner is continued on the said post.

4. Amongst other the work which was allotted to the petitioner is that of the maintaining Geographic Information System and Digital Image Processing.

5. It appears that the petitioner sometime in 2019 came to be re-designated as Senior Technical Associate as could be noticed from the appointment order issued to her on 01-10-2020.

6. Alleging that the petitioner has not submitted the appraisal report and the worksheet, respondent No.4 has issued the impugned order on 03-6-2024 thereby directing the petitioner not to attend the services from 01-7-2024 as it is claimed that her services shall come to an end on 30-6-2024.

7. The fact remains that the said officer has taken over the charge of the post of respondent No.4 on 31-1-2024 and formed the basis of the meeting dated 16-5-2024 to follow proper financial discipline in future, to direct the discontinuation of the services of the petitioner.

8. The said officer while passing the impugned order on one hand appreciating the contractual services on the post of Senior Technical Associate (GIP/GIS) tendered by the petitioner and on other hand claiming that the petitioner continued in the employment as a Senior Technical Associate for a period of more than 900 days

that too without there being any sanction from the competent authority.

9. From the record, it is explicitly clear that the petitioner was appointed after following the selection process on the post of Technical Associate and in 2020 promoted to the post of Senior Technical Associate and continued in the employment of respondent No.4 since 21-6-2007 that is for last about seventeen years.

10. Merely because there is failure to submit appraisal report and worksheet as has been claimed by respondent No.4 from the petitioner, that by itself did not give liberate to respondent No.4 to end the services of the petitioner.

11. It is not the case of respondent No.4 as could be inferred from the language employed in the impugned order that the work is not available or the post which is held by the petitioner is directed to be abolished by respondent Nos.1 and 2.

12. In the aforesaid background, we are of the view that the impugned order is liable to be stayed until further orders.

13. That being so, issue notice to the respondents, returnable on 01-8-2024.

14. We direct that the services of the petitioner shall not be terminated pursuant to the impugned order dated 31-5-2024 and she should be permitted to continue in the office.

15. She should be given an opportunity to submit the appraisal report/worksheet in the meantime as it was never brought to her notice that she is required to submit such appraisal report or worksheet after respondent No.4 has taken over the charge of office on 31-1-2024.

16. Mr. C.S. Dhumane, learned Counsel waives service for the respondents and undertakes to communicate this order to the respondents.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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