

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR**

**ORIGINAL APPLICATION NO.157/2015.** (D.B.)

Sunita Babaji Gore,  
Aged about 36 years,  
Occ-Nil,  
R/o Santoshi Mata Nagar,  
Opp. Zilla Parishad, Shahid Bhagat Singh Road,  
Washim.

**Applicant.**

**-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Agriculture,  
Mantralaya, Mumbai-32.
2. The Commissioner of Agriculture (M.S.),  
Central Building, Pune.
3. Divisional Joint Director of Agriculture,  
Amravati Division, Amravati.
4. Taluka Agriculture Officer,  
Mangrulpir, Distt. Akola.

**Respondents**

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Shri S.P. Palshikar, the Ld. Advocate for the applicant.

Shri M.I. Khan, the Ld. P.O. for the respondents.

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**Coram:-Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shri Shee Bhagwan, Member (A)**

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**JUDGMENT**

(Delivered on this 3<sup>rd</sup> day of September 2018.)

**Per:Vice-Chairman (J)**

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

2. The applicant in this case was appointed as Taluka Agriculture Officer and was posted at Manora, District Washim. But subsequently, her posting was changed at Mangrulpir. In this O.A., she has claimed for quashing and setting aside the order dated 4.2.2015 issued by respondent No.2 so far as it extends to rejecting of her claim for reinstatement. She is also claiming directions to the respondents to reinstate her and grant her all monetary and consequential benefits arising out of such reinstatement.

3. From the admitted facts on record, it seems that after joining the duty as Taluka Agriculture Officer on 24.2.2011, the applicant proceeded on pregnancy leave w.e.f. 18.7.2011. She delivered female child on 2.1.2012 and resumed her duties on 9.8.2013. She was asked to remain present before the Medical Board on 15.4.2013. Accordingly, she remained before the Medical Board. The Medical Board observed that the period from 18.7.2011 to 17.10.2011 and further from 21.11.2012 to 20.5.2013 be treated as medical leave. But inadvertently, dates were not properly mentioned.

The applicant performed the duty honestly from 9.1.2013 to 20.5.2013 and again proceeded on medical leave from 21.5.2013, as she was advised complete rest due to gynaecological problem and pregnancy of the second time. She delivered a second child on 23.11.2013. She submitted her leave application. However on 30.8.2014, her services were terminated w.e.f. 19.7.2011. The applicant, therefore, filed an appeal before the respondent No.2. The respondent No.2 i.e. the Commissioner of Agriculture (M.S.), Pune partly allowed the appeal and observed that the applicant is entitled for salary w.e.f. 9.1.2013 to 30.5.2013, but the prayer for reinstatement was rejected and, therefore, this O.A.

4. The respondents have filed reply affidavit and justified the action. It is stated that, the applicant remained absent from duty and at the time of joining only, she produced medical certificate for the period from 21.5.2012 to 8.1.2013. Her request for medical leave was not admissible and cause for medical leave was missing in the certificate.

5. So far as the claim for medical leave on account of pregnancy is concerned, there is no dispute that the applicant proceeded on medical leave for that cause on two occasions and the appellate authority had already directed to consider the said absence

and accordingly action has been taken. The only material claim in this case is about termination of the applicant and her prayer for reinstatement. We have perused the order, vide which the applicant was appointed. There is no dispute that the applicant was earlier appointed on contract basis initially for a period of one year. But instead of working, she proceeded on medical leave immediately, firstly in the first pregnancy and thereafter for second pregnancy. The learned P.O. has placed on record the appointment order of the applicant dated 8.5.2012 (A.11, Page 39 & 40). The terms and conditions of the said order clearly show that the applicant's appointment was for one year only and it was purely on contract basis. She was to receive Rs. 6,000/- per month as remuneration and the said order was till next date. Conditions in the appointment order clearly show that the services were terminable at any time and without even issuing a show cause notice and no right has been created vide said order for continuation of service. In such circumstances, claim of the application for continuation is without any legal submission.

6. We have perused the order passed by the appellate authority at Annexure A-1, page Nos. 18 to 20. The appellate

authority has rightly considered the issue of medical leave on pregnancy ground and other aspects and since such leave granted, is not under dispute, only question is as to whether the appellate authority was obliged to continue the applicant on the post or to reinstate her. The order of termination of services of the applicant is placed on record, which is at page No.30 from which, it seems that earlier the applicant's services came to an end w.e.f. 19.7.2011. However, the appellate authority modified this order and stated that her services should be treated as terminated w.e.f. 21.5.2013. The same is in view of subsequent order of appointment of the applicant dated 5.5.2012 which was for one year only. As already stated, since the applicant was appointed purely on contract basis for a particular period and her services were terminable without any notice, the appellate authority has rightly considered this aspect and instead of terminating her services w.e.f. 19.7.2011, has rightly terminated her services w.e.f. 21.5.2013. The applicant has been already granted benefit of pay during the period from 9.1.2013 to 20.5.2013. In short, the applicant did not get any right to ask for continuation of her services or for reinstatement and, therefore, the same has been rightly rejected by the competent authority. We, therefore, do not find

any merit in this O.A. Hence, we proceed to pass the following order:-

**ORDER**

The O.A. stands dismissed with no order as to costs.

(Shree Bhagwan)  
Member (A)

(J.D.Kulkarni)  
Vice-Chairman (J)

**Dated:-** 3.9.2018.