

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 104 /2018 (S.B.)

Bhaskar S/o Janardhanrao Vaidya,
Aged about 52 years, Occ. Service,
R/o Kiran Nagar No.1, Line No.7,
Near Swasti Kirana Stores, Amravati-444 606.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary,
Department of Planning, Mantralaya,
Mumbai.
- 2) Divisional Commissioner, Amravati
Division Amravati.
- 3) Deputy Commissioner (EGS),
Amravati Division, Amravati.
- 4) The Collector cum Chairman,
District Selection Committee,
Amravati.
- 5) Shankar Totawar,
Superintendent of Agriculture (EGS),
Amravati Division, Amravati.
- 6) Shri Swapnil Supase,
Accountant (EGS), Amravati Division,
Amravati.
- 7) Smt. Daya Raut,
Deputy Chief Executive Officer (EGS),
Amravati Division, Amravati.

Respondents.

S/Shri A.S. Dhore, Sheikh Sohailuddin, Advs. for the applicants.

Shri H.K. Pande, P.O. for respondent nos. 1 to 4.

None for respondent nos. 5 to 7.

WITH

ORIGINAL APPLICATION No. 105 /2018 (S.B.)

Sangammitra w/o Bhaskar Vaidya,
Aged about 49 years, Occ. Service,
R/o Kiran Nagar No.1, Line No.7,
Near Swati Kirana Stores,
Amravati – 444 606.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary,
Department of Planning, Mantralaya,
Mumbai.
- 2) Divisional Commissioner, Amravati
Division Amravati.
- 3) Deputy Commissioner (EGS),
Amravati Division, Amravati.
- 4) The Collector cum Chairman,
District Selection Committee,
Amravati.
- 5) Shankar Totawar,
Superintendent of Agriculture (EGS),
Amravati Division, Amravati.
- 6) Shri Swapnil Supase,
Accountant (EGS), Amravati Division,
Amravati.
- 7) Smt. Daya Raut,
Deputy Chief Executive Officer (EGS),
Amravati Division, Amravati.

Respondents.

S/Shri A.S. Dhore, Sheikh Sohailuddin, Advs. for the applicants.

Shri H.K. Pande, P.O. for respondent nos. 1 to 4.

None for respondent nos. 5 to 7.

**Coram :- Hon'ble Shri A.D. Karanjkar,
Member (J).**

COMMON JUDGMENT

(Delivered on this 8th day of February,2019)

Heard Shri A.S. Dhore, learned counsel for the applicants and Shri H.K. Pande, Id. P.O. for respondent nos. 1 to 4. None for respondent nos. 5 to 7.

2. Both the O.As. are involving same questions of fact and law, therefore, they are decided by this common Judgment.

3. Both the applicants were initially appointed on the post of Data Entry Operator under Mahatma Gandhi Rural Employment Guarantee Scheme. The appointments of the applicants were purely on contractual basis and understanding was given to them that their services were on temporary contract, they could be removed at any time without assigning reason and they will not have any protection of the service rules which are available to the government servants appointed after due procedure.

4. Time to time orders to continue the applicants were issued by the respondents and the applicants were continued in services. The respondent no.4 issued order at Annex-A-3 dated 17/07/2017 and appointed the applicants on contractual basis for a period from 01/06/2017 to 30/04/2018. The applicants were appointed as Assistant Programming Officer. It is case of the applicants that both of

them were harassed by the respondent nos. 5 to 7, as a result the complaints were made by the applicants on 18/09/2017. It is submitted that instead of taking action against the respondent nos. 5 to 7, the respondent no.2 passed order dated 12/10/2017 directing to terminate appointments of the applicants immediately as their services were not required by the Commissioner, Amravati. As a result of this the Dy. Commissioner (Employment Guarantee Scheme), Amravati Division, Amravati issued order dated 17/11/2017 and directed both the applicants to join their posts in Collector office, Amravati, accordingly they were relieved from the services. It is submitted that on 29/11/2017 the Collector, Amravati passed the order and transferred the applicant Shri Bhaskar Vaidya to Panchayat Samiti, Daryapur and the applicant Shri Sangammitra Vaidya was transferred to the Zilla Parishad office, Amravati. It is submitted by the applicants that the order issued by the Commissioner dated 12/10/2017 and transfer order dated 29/11/2017 issued by the respondent no.4 are illegal. It is contended that reason was given by the respondent no.2 that there was no work in his office, but this was false and in fact after removing the applicants from the Commissioner office, Amravati one contractual employee Shri Anant Ghuge was appointed to work as Co-ordinator in the Commissioner Office, Amravati. It is submitted that these orders passed by the respondent

nos. 2 and 4 are bad in law, both the orders be quashed and direction be given to the respondents to allow them to work as Assistant Programme Officers in the office of respondent no.2. It is also pleaded that the directions be issued to respondent no.1 to initiate inquiry against the respondent nos. 5 to 7.

5. The State has opposed both the applications by filing reply. It is contention of the respondents that both the applicants were on contractual basis, they were appointed as Data Entry operator, as the posts were vacant and later on as there was need, they were appointed as Assistant Programming Officer. It is submitted that the appointments of the applicants were purely temporary and on contract, the applicants have submitted bonds and accepted the conditions mentioned in the appointment orders. As per the appointment orders the applicants had no right to claim the post or to choose the work. It is contended that as there was no work for the Assistant Programming Officer, therefore, direction was issued by the respondent no.2 and both the applicants were sent back to the office of respondent no.4 and as in the office of respondent no.4 there was no work available, the applicant Shri Bhaskar Vaiday was directed to work in Panchayat Samiti, Daryapur and the applicant Shri Sangammitra Vaidya was directed to work the Zilla Parishad, Amravati. It is submitted that the applicants have not obeyed the

orders and therefore the applicants have committed breach and consequently they are not entitled for any relief.

6. I have perused the appointment orders of both the applicants and after perusing the appointment orders, it is crystal clear that in every appointment order it was specifically mentioned that the applicants were not appointed in service, but they were appointed on contractual basis on honorarium Rs.10,000/- p.m., lateron it was increased to Rs.14,000/- p.m. In all appointment orders it was specifically mentioned that the appointment was purely temporary and the Appointing Authority was empowered to terminate the services without assigning any reason at any time. Clear understanding was given to both the applicants that they were not entitled to claim the reliefs to which the government servants were entitled as per the service rules. It seems that after accepting these conditions and terms, both the applicants joined the duty after executing bond. Thus it seems that the applicants have no right to claim any particular post in the scheme.

7. It appears from the documents that the applicants were appointed under Mahatma Gandhi Rural Employment Guarantee Scheme and initially they worked as Data Entry Operator and lateron vide order dated 17/07/2017 were posted as contractual Assistant Programming Officer. It appears from the letter dated 12/10/2017 that

as services of both the applicants were not required by the office of Commissioner, Amravati, therefore, it was directed to terminate their appointments in consequence vide letter dated 17/11/2017 the Deputy Commissioner (Employment Guarantee Scheme), Amravati relieved the applicants and directed them to join their initial posting in the office of Collector, Amravati. It further appears that thereafter the Collector, Amravati directed the applicant Shri Bhaskar Vaidya to join his post at Panchayat Samiti, Daryapur. Similarly direction was issued to applicant Shri Sangammitra Vaidya to join her duty in the office of Zilla Parishad, Amravati in Mahatma Gandhi Rural Employment Guarantee Scheme as Data Entry Operator. According to the applicants, both these orders are perverse, illegal and inductive. It is submitted that as complaints were made by the applicants against the respondent nos. 5 to 7, as a result these orders were issued by the respondent nos. 2 and 4. In my opinion, there appears no substance in the contention for the reason that had it been intention of the respondents to harass the applicants, they could have simply terminated their services without giving them postings in Panchayat Samiti, Daryapur and Zilla Parishad, Amravati. It is submitted by the learned counsel for the applicants that one Shri Anant Ghuge was appointed on 14/11/2017 in the office of Commissioner, Amravati, but on perusal of order dated 14/11/2017 issued by the Dy. Commissioner (Employment Guarantee

Scheme), Amravati it seems that Shri Anant Ghuge MIS Co-ordinator, was appointed to supervise the online transactions in the office of Commissioner, Amravati. It is not a case that after removal of the applicants from the office of Commissioner, Amravati Shri Anant Ghuge was appointed as Assistant Programming Officer, therefore, there seems no merit in this contention.

8. After considering the entire circumstances, it is clear that the applicants had no right to claim the post of Assistant Programming Officer or any other post. The applicants were working on contractual basis and right was retained by the respondent no.4 to terminate the services at any time without assigning any reason. Naturally as there was no work for Assistant Programming Officer, therefore, the applicants were repatriated to the office of respondent no.4 and as there was no work to accommodate both the applicants, consequently the applicant Shri Bhaskar Vaidya was transferred to Panchayat Samiti, Daryapur and the applicant Shri Sangammitra Vaidya was transferred to the establishment of Zilla Parishad, Amravati. I do not see any illegality in both the orders. So far as the complaint lodged by the applicants is concerned, it is addressed to the Hon'ble Chief Minister, Hon'ble Minister and so many Revenue Officers. It is for the respondent no.1 to take suitable action. In view of this discussion, I

do not see any merit in these applications. Hence, the following order

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ORDER

Both the applications stands dismissed with no order
as to costs.

Dated :- 08/02/2019.

*dnk.

(A.D. Karanjkar)
Member (J).