

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.520/2010. (D.B.)

Sachin Patiram Gedam,
Aged about 31 years,
R/o Amgaon Ambala, Tq. Ramtek,
Distt. Nagpur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Higher Education,
Mantralaya, Mumbai-32.
2. The Joint Director of Technical Education,
Amravati.
3. The Principal,
Govt. Polytechnic, Amravati.

Respondents

Shri R.V. Shiralkar, the Ld. Advocate for the applicant.

Shri A.M. Khadatkhar, the Ld. P.O. for the respondents.

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

JUDGMENT

(Delivered on this 3rd day of September 2018.)

Per:Vice-Chairman (J)

Heard Shri R.V. Shiralkar, the learned counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

2. The applicant in this case has claimed for following reliefs:-

“(i) Hold and declare that the G.R. dated 31st July 2009 issued by respondent No.1/State is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and further be pleased to quash and set aside the same to the extent the same de-reserves the post of Data Entry Operator in the respondent No.3 Govt. Polytechnic, Amravati, in the interest of justice and

(ii) Quash and set aside the impugned order dt. 22.10.2009, terminating the services of the applicant from the post of Data Entry Operator in the respondent No.3 Govt. Polytechnic, Amravati and further be pleased to direct the respondents to reinstate the applicant in service on the said post with all consequential benefits w.e.f, the date of his order of termination dated 22.10.2009 till reinstatement of the applicant, in the interest of justice.”

3. The applicant, vide order dated 7.7.2009 (Annexure A-18, pages 35 & 36), was appointed as Data Entry Operator for a period of three months. Clause (3) of the appointment order states that the appointment was purely temporary in nature and it was terminable at any time without any notice. Vide impugned order dated 22.10.2009 (Annexure A-11, page 37), applicant's services came to an end. The said order is as under:-

“संदर्भाकित क्र. १ चे आदेशान्वये श्री. एस.पी. गेडाम यांची डाटा एन्ट्री ऑपरेटर या पदावर ३ महिन्याकरिता नियुक्ती करण्यात आली होती, त्यानुसार ते दि. ९.७.२००९ रोजी मा.पु. सदर पदावर रुजू झालेत.

संदर्भाकित शासन निर्णय क्र. २ अन्वये सदर पद व्यपगत केल्यामुळे संदर्भीय पत्र क्र.३ अन्वये त्यांच्या सेवा रुजू दिनांकापासून ३ महिन्याचा कालावधी ज्या दिवशी संपुष्टात येतो त्या दिवसापासून संपुष्टात आणण्याचे आदेश प्राप्त झाल्यामुळे त्यांच्या सेवा त्या दिनांकापासून संपुष्टात आणून शासन सेवेतून कार्यमुक्त करण्यात येत आहे.”

This order has been challenged in this O.A.

4. The Government issued a G.R. dated 31.7.2009 whereby some posts were rejuvenated and because the posts were

rejuvenated, services of the applicant came to an end. The applicant has, therefore, challenged the said G.R. dated 31.7.2009.

5. The respondent Nos. 1 and 2 have filed their reply affidavit and justified the decision of the Government and submitted that it is a policy decision of the Government which cannot be questioned.

6. We have perused the G.R. dated 31.7.2009, title of which is as under:-

“तंत्र शिक्षण संचालनालय, महाराष्ट्र राज्य, मुंबई व त्या अंतर्गत कार्यरत विविध प्रशासकीय कार्यालये तथा शासकीय शैक्षणिक संस्थांतील पदांच्या आढाव्याअन्ती तीन वर्षापलीकडे रिक्त राहिलेली पदे पुनर्जीवित करण्याबाबत.”

7. By this G.R., the Government has taken a decision to rejuvenate 366 posts. It is a policy decision of the Government and there is no *locus standi* for the applicant to challenge such a policy decision, even otherwise the Tribunal is not expected to interfere in the policy decision of the Government to run administration.

8. So far as the impugned termination of the applicant on 22.10.2009 is concerned, it is stated that the applicant's services

came to an end on completion of three months' service. We have also perused the appointment order (Annexure A-10) and as already stated, the said appointment order is purely on contract basis for a period of three months only and, therefore, the applicant cannot claim that he shall be continued beyond the period of three months as per the said order. The appointment order does not give any right to the applicant to claim continuation and it is sweet will of the respondent authorities whether to continue the applicant for a further period or not. As already stated, the appointment order clearly shows that it was of temporary nature and the applicant may be discontinued from service at any time without giving any reason. If the respondents do not want the services of the applicant, there is no reason as to why the respondents be directed to reinstate the applicant or to continue him in the post. The applicant could not place on record any material to show as to why de-reservation of the post of Data Entry Operator through the G.R. dated 31.7.2009 is illegal, arbitrary or violative of the Articles 14 and 16 of the Constitution of India. We, therefore, do not find any merit in this O.A. Hence, 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.