

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A/T.A./P.A.No. 380 1993

Prabulla Panigrahi Applicant (s)

Versus

Union of India and others Respondent (s)

Sr. No	Date	Order with Signature
1.	26.7.93	<p>Vide Annexure-1 dated 9th June, 1993 the Petitioner Shri Prafulla Panigrahi was appointed for 89 days namely from 15th June, 1993 to 11 th September, 1993 to work as a Seasonal Khalasi on the Workcharged establishment and the petitioner was working as such at F.F.Site Mohana under Vansadhara Sub Division, Berhampur. His services has been terminated on the ground that the petitioner misconducted himself with the Inspecting Officers, used un-Parliamentary words before the Officers on inspection of sites and attended office in drunken condition. Hence this application has been filed with a prayer to quash the order of termination dated 15th July, 1993 contained in Annexure 2.</p> <p>2. We have heard Mr. Somanath Mishra learned counsel for the petitioner and Mr. Ashok Misra learned Senior standing Counsel (Central).</p> <p>3. Admittedly, the services of the petitioner is for 89 days. One of the conditions of the service is that the authority reserves a right to terminate the services of the petitioner as a Seasonal Khalasi on the Workcharged establishment, if he misconducts himself in any manner what-so-ever. Reasons for termination of the services of the petitioner has been given. Even though the learned</p>

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		<p>counsel for the petitioner vehemently urged before us that these allegations are all false yet we cannot subscribe to these views because learned counsel for the Petitioner could not satisfy us as to why the concerned authority bears a grudge against the petitioner and because the petitioner vindictively takes the same ^{in his favour}. The answer given by the learned counsel for the petitioner is not satisfactory. Therefore, we do not propose to either admit this case or allow the application.</p> <p>4. Lastly it was submitted by the learned counsel for the petitioner that he would approach the concerned authority and tender his unconditional apology to the concerned authority and try to move his heart for a compassionate view to be taken over the petitioner. We sincerely feel that this is a better course which should be adopted by the petitioner. We would also speak a word ^{in this order} to the concerned authority that in case this procedure is adopted by the petitioner, the concerned authority would mellow himself down and take a compassionate view over the petitioner especially in view of the fact that the services of the petitioner has to be dispensed with with effect from 11th September, 1993. We think this would be an example as a model employer. We find there is substantial force in the contention of Mr. Mishra that the order is dated 15th July, 1993. It cannot have a retrospective effect ^{13th} namely 20th July, 1993. Therefore, 14th day will ^{take effect} end on 29th July, 1993 and not 26th July, 1993. The termination order is modified to this extent.</p> <p>5. Thus, the application is accordingly disposed of. No costs.</p>
		<p style="text-align: right;">Vice-Chairman</p> <p style="text-align: right;">Member (Admn.)</p>