

Order dated 12.11.2003

Heard Shri P.K.Padhi, learned counsel for the applicant and Shri S.Behera, learned Addl.Standing Counsel for the Respondents.

By filing this Original Application the applicant has prayed that this Tribunal may ^{be}pleased to quash the order of termination passed by the Respondent No.3 at Annexure-2 and further to direct the Respondents to allow him to continue as Pump Operator at Baripada H.O.

From the facts of the case it reveals that the applicant was engaged as part-time Pump Operator for the staff quarters at Baripada and in that job he was engaged for seven months from February, 1998 to September, 1998. Thereafter by issuing a letter dated 19.9.1998 under Annexure-2, Respondent No.3 terminated the service of the applicant on the ground that Superintendent of Post Offices, Mayurbhanj Division, Baripada had found that the engagement of the applicant as contingent paid part-time Pump Operator was irregular and therefore, he directed that his service be terminated with immediate effect and the function of the Pump Operator to be combined with the duties of the part-time Caretaker in charge of the Inspection Room, Baripada. However, the applicant was denied of the benefit of one month's notice ~~of~~ the benefit of claim of one month's wages in lieu thereof. Aggrieved by this, he has filed this application with the prayers referred to above.

Shri S.Behera, learned Addl.Standing Counsel admitting the facts of the case pointed out that the service of the applicant was terminated on administrative grounds and therefore, this O.A. is devoid of any merit. He has, however, conceded that the applicant was not given one month's notice or wages for one month in lieu thereof.

Having heard the learned counsel of both the sides and on perusal of the materials placed

6
OA-50798

before us, we find that the applicant was prejudiced being denied ~~of the~~ notice of one month or wages for one month in lieu thereof. Accordingly, we hereby direct the Respondents to pay the applicant one month's wages in lieu of one month's notice. This direction shall be complied with by the Respondents within a period of 45 days from the date of receipt of ~~copy of~~ this order.

This O.A. is disposed of as above.

No costs.

[Signature]
VICE-CHAIRMAN 12/11

[Signature]
MEMBER (JUDICIAL)

12/11/2003

Free copies of
final order
dt. 12.11.03 issued
to counsel for
both sides.

D.S.
25/11/03

[Signature]
S.O.C.