

O.A.NO.355 of 2001  
Order dated 24.3.2004

Heard Shri A.K.Mishra, the learned counsel appearing for the applicant and Shri S.B.Jena, the learned Additional Standing Counsel for the Respondents.

2. The applicant has filed this Original Application, being aggrieved by the order of termination of Research Assistantship issued by the Respondents by their office order dated 30.7.2001 (Annexure 3). The grievance of the applicant is that whereas he was appointed as Research Assistant on contract basis for a period of one year in the first instance out of three years on co-terminus basis or till completion of the project whichever was earlier, the Respondents without showing any reason or without giving him any notice terminated his service with effect from 30.7.2001, as stated above, and therefore, have acted illegally, for which the applicant has approached the Tribunal for relief.

3. The Respondents have contested the allegations of the petitioner and have stated that the applicant was awarded Research Assistantship on the condition that if his performance was found unsatisfactory or if he was found negligent in his work, the fellowship/scholarship would be terminated at any point of time without giving him notice. In this regard, they have drawn our attention to the terms and conditions for award of fellowship/scholarship/research assistantship

communicated to the applicant by their letter dated 23.10.2000 (Annexure 1) and he was required to communicate his acceptance about the terms and conditions before joining the institute. That being the condition of his appointment, the Respondents after his appointment found that his work and performance were not satisfactory. The remarks of the Principal Investigator on the unsatisfactory performance of the applicant were also duly communicated to him by the former's remarks recorded on 24.3.2001, 31.3.2001, 15.4.2001, 6.6.2001 and 16.6.2001 in the work diary. As the remarks were embodied on the work diary maintained by the applicant himself, the allegation that he was never counselled or informed about the quality of his work is not to be relied upon.

4. We have heard the learned counsel for both sides and have also perused the records placed before us. We have also perused the work diary maintained by the applicant and checked by the Principal Investigator. On a perusal of the records, we find that the Principal Investigator had from time to time alerted the applicant about the need for improving his quality of performance and that having not been achieved it was but natural that the Respondents decided to dispense with his services. As the termination of his service was done in accordance with the terms

W

14

OA 355/2001

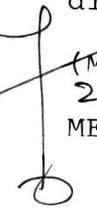
and conditions of scholarship/research assistantship/fellowship, we see no infirmity in the matter and therefore, do not find good reason to intervene in the matter. In view of the aforesaid finding, the relief sought for is not available and therefore, this Original Application is dismissed being devoid of merit. However, before concluding, we would direct the Respondents to pay the applicant his emoluments/any other allowance that maybe remaining unpaid and for this purpose, we would also direct the applicant to make a claim for the amount due to be paid to him by the Respondents and upon submission of such a claim, the Respondents will clear the dues within a period of thirty days from the date of receipt of the claim.

Copy of order off. 24/3/04  
issued to the Counsel  
for both sides.

W.M.  
S.D.

29/3/04

5. With the above observation and direction, this Original Application is disposed of. No costs.

  
M.R. MOHANTY  
24.03.04  
MEMBER (JUDICIAL)

  
(B.N. SOM) 24/3  
VICE-CHAIRMAN