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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 73 OF 2011

Cuttack this the 16th day of May, 2012

Prabhudatta Tripathy ...Applicant

-VERSUS-

Union of India & Ors. Respondents

CORAM:

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER
AND

HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

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ORDER

In this Original Application under Section 19 of the A.T.Act, 1985, the applicant has prayed to quash the impugned order of termination at Annexure-4 and to direct the Respondents to reinstate him as GDS BPM, Badmal BO with all service including financial benefits.

On being noticed, Respondent-Department have filed their counter opposing the prayer of the applicant.

We have heard Shri S.Pattnaik, learned counsel for the applicant and Shri U.B.Mohapatra, learned SSC and perused the materials on record.

During the course of hearing, Shri Pattnaik brought to our notice a common order dated 05.12.2011 in batch of Original Application bearing Nos.818/2010, 42/2011, 175/11, 218/11, 219/11, 228/11, 248/11, 249/11 250/11 wherein this Tribunal had quashed the impugned order of termination on the ground that before such termination orders could be issued no notice had been issued to the applicants to show cause. He further submitted that the entire gamut of the present O.A. being founded on the violation of the principles of natural justice, on the analogy of the aforesaid O.As, the impugned order of termination as at Annexure-A/4 to O.A. is liable to be quashed.

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We have carefully examined the common order dated 5.12.2011 of this Tribunal as cited by the applicant in support of his case. We found that the facts of the case in hand are akin to the facts of those O.As as referred to above. In this view of the matter, we do not see any justifiable reason to make a departure from the view already taken by us in the common order (supra).

In the circumstances, we quash the impugned order of termination dated 27.1.2011 (Annexure-A/4) with direction to Respondents to reinstate the applicant (who is by now out of employment) forthwith. However, quashing of the impugned order of termination shall not preclude the Respondents from taking decision after affording the applicant reasonable opportunity to show cause.

In the result, O.A. stands allowed to the extent indicated above. No costs.


JUDICIAL MEMBER


ADMINISTRATIVE MEMBER