

(2008) 01 OHC CK 0066
In the Orissa High Court

Arun Kumar Das

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 04-01-2008

Acts Referred:

Citation : (2008) 105 CLT 270 : (2008) 117 FLR 131 : (2008) 1 OLR 438 Supp

Hon'ble Judges : B.P. Das, J;A.K. Samantaray, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

B.P. Das, J.—The Petitioner, who was appointed on contractual basis as a Co-operative Education Instructor in the National Cooperative Union of India ("NCUI" in short) Field Project at Angul, has filed this Writ Petition with a prayer to quash the Office Memorandum dated 13.06.2006 issued by OP No. 3-Chief Executive of NCUI vide Annexure-12 by which he was allowed to work in the said Project till 31.07.2006 only, after which his term would stand expired automatically and in no case his services would be required any more.

2. This Writ Petition was filed on 14.07.2006 and notice was issued on 20.07.2006 on the Writ Petition as well as on the stay petition. Interim order was passed on 31.07.2006 to maintain status quo as on that date in respect of the service of the Petitioner till the next date and the said order is continuing.

3. As it appears, while the Petitioner was working as a Cooperative Education Instructor in the NCUI Field Project at Angul, a decision was taken by the NCUI, New Delhi (O.P. No. 2) to close down its Co-operative Education Project at Angul with effect from 31.07.2006 and thereby to disengage the Petitioner from that date. In this Writ Petition, it is averred that the ground taken by the Opposite Parties for closing down the Project is due to financial constraints and reduction of grants-in-aid by the Government of India for the Scheme. But, according to the Petitioner, since continuance of the Project is absolutely necessary for providing education and training to members of Co-operative Societies in under-

developed State like Orissa, and the decision taken to close down the Project is arbitrary and unreasonable.

4. Opposite Parties 2, 3 and 4, i.e., the NCUI, the Chief Executive, NCUI and the Chairman, Project Coordination Committee, Orissa of NCUI filed their respective counter affidavits taking a stand that as per the decision of the Government of India the grant-in-aid is being reduced by 20% each year on sun-set basis for which it was decided to run rest of the projects with reduced strength and by closing down five projects and Angul was one such project which was declared to be closed in order to meet the financial crisis. In the counter affidavit, OP No. 4 has further stated that the decision to close down the Angul Project is neither arbitrary nor illegal but it is within the discretion of the authority to reduce/increase the strength of projects so also the employees. Further, the appointment of the Petitioner in the project being contractual and purely on temporary basis, the decision to terminate the services of the Petitioner consequent upon the decision to close down the project due to financial constraint is legal and justified.

5. After hearing Learned Counsel for the parties and having regard to the rival contentions and considering the fact that it is due to financial crunch and reduction of grant-in-aid by the Government of India and the closure of the project in Angul district, the Petitioner has been disengaged, we cannot direct the Opposite Parties to run the project only to give employment to the Petitioner. Continuance/closure of the project depends on the grant-in-aid provided by the Union of India and OPs 2, 3 & 4 are only to run the same. We find no irregularity in the Office Memorandum dated 13.06.2006 in Annexure-12. In aforesaid view of the matter, it would not be proper on our part to interfere with the said decision in Annexure-12. However, if any new project or avenue of employment is available, the case of the Petitioner shall be considered on priority basis as the Petitioner has sufficient experience in the field.

The Writ Petition is dismissed accordingly. interim orders stand vacated.