

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.763 of 2015

***Registrar, Berhampur University,
Ganjam***

....

Appellant

Mr. A. R. Mishra, Advocate

-versus-

Sanjaya Kumar Samantaray

....

Respondent
None

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

28.09.2022

Order No.

02

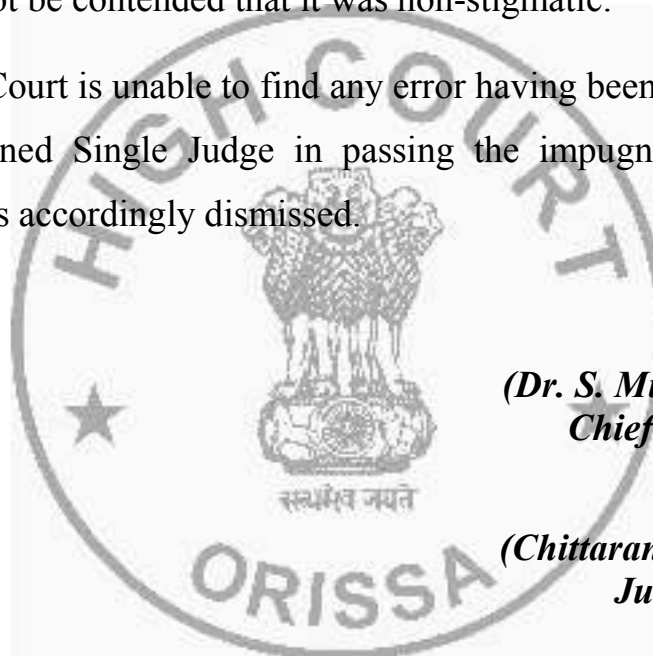
1. The present appeal is directed against a judgment dated 4th August, 2015 passed by the learned Single Judge allowing O.J.C. No.8914 of 2000 filed by the Respondent questioning an order dated 4th September, 2000 passed by the Appellant-University terminating his services.

2. One of the contentions raised by the Appellant to defend the order of removal was that the engagement of the Respondent was purely contractual and the order terminating his services was non-stigmatic. This has been negated by learned Single Judge by observing that the Respondent had in fact been issued a charge-sheet by the present Appellant and even before the enquiry could be concluded, his services were terminated without even supplying him the documents on the basis of which the enquiry was initiated. Secondly, it has been found that the Respondent was engaged pursuant to an advertisement issued against a clear-

cut vacancy of System Engineer. The Respondent had applied, was found suitable, and was accordingly selected and appointed. Consequently, the contention of the Appellant-University that he was appointed on a temporary basis against a suspension vacancy and that his termination was a simpliciter one, was rejected by the learned Single Judge.

3. Indeed, if a charge-sheet had been issued to the Respondent and during the pendency of the enquiry, his services was terminated, it could not be contended that it was non-stigmatic.

4. The Court is unable to find any error having been committed by the learned Single Judge in passing the impugned order. The appeal is accordingly dismissed.



(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

M. Panda/S. K. Guin