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Central Administrative Tribunal, Principal Bench

Original Application No.2386 of 2001

New Delhi, this the 28th day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. M.P. Singh, Member (A)

Shri R.K. Das
Principal, Kendriya Vidyalaya Rajouri, aged 45 years
S/o late Shri Sona Das
Qr. No. 12-D. Pocket-12, Vaishali Apartment
Kalkaji Extension, Delhi-19

- Applicant

(By Advocate: Shri Rajeev Kumar)

Versus

1. Commissioner Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg,
New Delhi-16

2. Shri S.D. Sharma
Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, Jammu, Government Road,
Gandhi Nagar, Jammu

- Respondents

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

Applicant was appointed as a Principal in the Kendriya Vidyalaya by an order of 6/8.10.98 (Annexure A-3). His appointment was on probation for a period of two years. By an order passed on 4.9.2000 (Annexure A-1), the said period of probation has been extended by a further period of one year. Applicant represented against the said extension which representation was rejected by an order of 22.2.2001 (Annexure A-2). Aforesaid orders at Annexures A-1 and A-2 are impugned by the applicant in the present OA by inter alia contending that no reasons have been given for extension of the period of probation. Reliance is placed on Rule 10 of Kendriya Vidyalaya Sangathan (Appointment, Promotion, Seniority etc.) Rules, 1971 which inter alia provides as under:

"10.(1) Every direct recruit shall initially be

appointed on probation. The period of probation shall be two years from the date of appointment, which may be extended by another two years by the competent authority for reasons to be recorded in writing. (emphasis provided to highlight the contention raised)

2. We have heard the learned counsel appearing on behalf of the applicant and we find no merit in the aforesaid contention. Order of appointment is clear and unambiguous. It inter alia provides as under:


"3.(i) He/she will be on probation for a period of 2 years which may be extended from time to time till orders are issued confirming successful completion of his/her probation. Upon successful completion of probation, he/she will be confirmed according to the availability of permanent vacancy."

3. Aforesaid order as also aforesaid Rule 10 makes it clear that the probation period can be justifiably extended. As far as the contention that no reasons have been given, a reference to notice of 4.9.2000 at Annexure A-1 can usefully be made. In the notice informing the applicant that his period of probation is decided to be extended, the same clearly provides "on reviewing his work and performance, the competent authority has decided to extend the period of probation xxxx xxxx xxxx."

4. Aforesaid averments, it is clear, assign the reasons for extending the period of probation. It is because of his work and performance not found to be upto the mark that the period of probation has been extended. Whether his work and performance as a Principal has been satisfactory or otherwise, is for the competent authority to decide. That has been done in this case and the impugned order has been passed. We cannot sit in appeal

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over a decision. The said decision in the circumstances cannot be successfully assailed in the present OA before us. Present OA, in the circumstances, is dismissed in limine.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman

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