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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A.NO.288/95  
M.A. 374/95

New Delhi, this the 24th day of February, 1995

Hon'ble Shri J.P. Sharma, Member(J)  
Hon'ble Shri B.K. Singh, Member(A)

1. Ms. Purnima M. Parida,  
Scientist 'B'  
T&T Division,  
Central Road Research Institute  
Mathura Road,  
New Delhi.
2. Santosh Jaliyal  
Scientist 'B'  
T&T Division,  
Central Road Research Institute  
Mathura Road,  
New Delhi.
3. Devesh Tiwari  
Scientist 'B',  
PPS Division,  
Central Road Research Institute,  
Mathura Road,  
New Delhi.

... Applicants

By Advocate: Shri C.L. Narsimhan

Vs.

1. Council of Scientific & Industrial Research  
through Director-General  
Council of Scientific & Industrial Research  
Anusandhan Bhawan,  
Rafi Marg,  
New Delhi.
2. The Director,  
Central Road Research Institute,  
Mathura Road,  
New Delhi.

... Respondents

ORDER

Hon'ble Shri J.P. Sharma, Member(J)

The applicants have jointly filed this application praying in M.A.374/95 for permission to join together as their similar grievance and the M.A. is therefore allowed.

...2.

2. Applicant No.1 Ms. Purnima M. Parida was offered an appointment to the post of Scientist 'B' by the order dated 13.11.92 laying down the condition that she will be on probation for a period of two years which may be extended or curtailed at the discretion of the competent authority. On satisfactory completion of the period of probation, she would be eligible for appointment on contract for a period of six years including the probationary period. Similarly, Applicant No.2 Shri Santosh Jalihal was offered appointment on 4.11.92 to the post of Scientist 'B' on the same terms and conditions. Applicant No.3 Shri Devesh Tiwari was also appointed Scientist 'B' by the memo. dated 24.8.92 on the same terms and conditions as of Applicant No.1. The applicants have accepted these appointments on & conditions the said terms/alongwith other conditions laid down in the offer of appointment referred to above. The probation period of the applicants was for 2 years and in the case of Applicant No.1, 2 and 3 it was to continue upto 10.12.94, 3.12.94 and 9.9.94 respectively.

3. The case of the applicants is that in both the years 1992-93 and 1993-94, Coordinating Scientist(CS) (Traffic & Transportation) has graded them Very Good. The grievance of the applicants is that inspite of unquestionable satisfactory performance, the Controller of Administration issued orders on 12.1.95, 6.1.95 and 27.10.95 extending the probation period for a period of three months from 10.12.94 and 3.12.94 in the case of Applicant No.1 and 2 and for a period of six months from 10.9.94 in the case of Applicant No.3.

4. In this application filed on 8.12.95 the applicants have jointly prayed that the memo. dated 12.1.95, 6.1.95 and 27.10.95 (Annexure A-1 colly) and office memo. dated 24.1.95 (Annexure A-2 Colly.) <sup>be quashed</sup> and to declare the applicants had completed the period of probation satisfactorily and shall be deemed to have been confirmed in the post of Scientist 'B' w.e.f. the date of completion of the period of probation and direct the respondents to issue consequential orders as per the provisions of the rules and law in the interest of justice.

5. We have heard the learned counsel for the parties at length and perused the records. There can be no doubt that 'probation' cannot<sup>s</sup> period of trial. On successful completion of the probation the employee is confirmed in the appointment held by him. The purpose of putting an employee on probation is to find out his suitability to hold the post substantively or permanently in the sense that he thereafter gets a right to hold the post. The fitness or suitability has to be judged at the time of confirmation. It would be a contradiction in terms if it is said that an employee is on probation, namely, is on trial for being retained in service and yet during this period he has a right to hold the post to which he has been appointed on probation. When a rider is attached to the appointment, that the employee is to be on probation, it is only on confirmation that the rider is removed and the employee becomes permanent in the sense of holding a lien on the post. The contention of the learned counsel is that when the supervisory authority has considered the performance of the applicants and did not find fault in any manner whatsoever during the two years period the extension of

probation period for further term is arbitrary. It may be seen unjust and oppressive, yet be free from judicial interference. The problems of Government are practical ones and may be justified howsoever illogical it may be. There is a memo. served on the applicants separately and a notice of displeasure has also been conveyed by the memo. dated 23.11.94 warning the applicants to be more careful in future and avoid indulging in misbehaviour and indiscipline. In view of these circumstances, the Tribunal cannot sit as an Appellate Authority to judge the suitability of a probationer whether the probation period should have been further extended or not. It is the administrative action of the respondents who have judged the performance both professional and personal of the applicants and have come to a conclusion to extend the period of probation. The interference in such a matter therefore will be totally uncalled for. It may be another matter that the applicants who have been asked to appear before a Committee constituted for the purpose of a particular date after considering their case convey them a speaking order adverse to them and only then it can be seen whether that order is arbitrary or is based on particular prejudices and bias.

6. The present application, therefore, does not make out a prima facie case for admission for the reliefs prayed for in quashing the order of extended period of probation of the applicants. The application is therefore totally premature and the orders do not call for any interference. The application is therefore disposed of accordingly.

(B.K. SINGH)  
MEMBER (A)

(J.P. SHARMA)  
MEMBER (J)