

Central Administrative Tribunal Ernakulam Bench

O.A No.180/00237/2021

Thursday, this the 10th day of June, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

Manoj R, aged 39 years, S/o.Raveendran
Junior Grade I (JG 1), HLL Life Care Ltd
HLL Bhavan, Poojapura P.O
Thiruvananthapuram – 695 012
Residing at: Nettikunnuvila
Vakkam P.O, Thiruvananthapuram 695 308
Mob No.9562791864

Applicant

(By Advocate: Mr.Sasthamangalam.S.Ajith Kumar)

Versus

1. The Union of India
Represented by the Secretary to the Government of India
Ministry of Health and Family Welfare
Nirman Bhavan, New Delhi- 110 011
2. HLL Life Care Ltd.
Represented by the Company Secretary
Mahila Mandhiram Road
Poojapura, Thiruvananthapuram – 695 012
3. Associate Vice President (A&C)
HLL Bhavan, Poojapura P.O
Thiruvananthapuram – 695 012
4. Joint General Manager (HR)
HLL Life Care Ltd.
Akkulam Factory, Sreekariyam P.O
Thiruvananthapuram – 695 017
5. Manager HR
HLL Bhavan, Poojapura P.O
Thiruvananthapuram – 695 012
6. Commissioner of Police
Thiruvananthapuram City
Police Ground, C.V.Raman Pillai Road

Thiruvananthapuram – 695 014

7. Station House Officer
 Kadakkavoor Police Station
 Alamcode, Anchuthengu Road
 Thiruvananthapuram – 695 306

8. Sudheena S.J, aged 28 years
 D/o.Jaya, Jinsi Nivas
 TC 4/1988, Kuzhivila, Attipara Village
 Karimanal P.O, Kazhakuttom
 Thiruvananthapuram – 695 583

- Respondents

(By Advocate: Mr.Ajith Nair for R 2-5 and Mr.M.Rajeev, G.P for R 6 to 7 and Mr.M.K.Padmanabhan Nair, ACGSC for R1)

The O.A having been heard on 10th June, 2021 through video conferencing, this Tribunal delivered the following order on the same day:

O R D E R (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the following reliefs:

“(a) Declare that the non-feasance on the part of the 3rd respondents to issue orders declaring that the applicant has satisfactorily completed probation on 15.4.2021 is arbitrary, discriminatory and unconstitutional;

(b) Direct the 3rd respondent to issue orders declaring that the applicant has satisfactorily completed probation on 15.4.2021, with consequential benefits arising therefrom;

(c) Direct the 3rd respondent to consider Annexure A4 representation, after affording proper hearing of the applicant, and pass orders within a time frame;

(d) Pass such other orders or directions as deemed just and fit by this Hon'ble Tribunal. ”

2. The brief facts of the case are as follows:

The applicant was engaged as trainee under the Training and Skill Development Program of HLL by order dated 30.3.2015. On successful completion

of 5 years training and related assessment process, he was appointed as Junior Grade 1 (JG 1) in workmen category in the scale of pay 4250-6750 with effect from 16.4.2020 and he is on probation from 16.4.2020. According to the applicant, he has completed one year probation and he is eligible for confirmation. In the meanwhile, his wife had filed a complaint before the police alleging dowry harassment and that case is pending as C.C.No.949/2019. On 14.2.2019, the applicant's parents were assaulted by the 8th respondent and both of them underwent treatment at THQ Chirayinkeezhu. Under these circumstances, 8th respondent had filed a police complaint alleging offences punishable under the applicant and the police had filed a final report as Annexure A-3. Annexure A-4 representation, outlining all these aspects, filed by the applicant is pending before the 3rd respondent. The applicant apprehends that the 3rd respondent is likely to pass termination orders to terminate the service of the applicant. Hence the applicant has approached this Tribunal praying for the reliefs as stated above.

3. When the matter came up for admission hearing, it appears that Annexure A-4 representation is pending before the Competent Authority and it is not considered and disposed of.

4. In view of the pendency of the representation, **the competent authority is directed to consider Annexures A-4 representation in the light of relevant rules, regulations and law on the subject and pass a reasoned and speaking order within a period of 3 months from the date of receipt of a copy of this order.**

5. **Till that time, no precipitate action shall be taken against the applicant.**

6. The Original Application is disposed of as above. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

sv

List of Annexures

Annexure A1 - The true copy of the appointment letter with terms and conditions

Annexure A2 - The true copy of the letter bearing No.HLL/AFT/HR/ATTESATATION/2021

Annexure A3 - The true copy of the O.P records of the mother of the applicant dated 14/2/2019 bearing O.P No.15825

Annexure A3A - The true copy of the O.P records of the Father of the applicant dated 14/2/2019 bearing O.P No.15826

Annexure A4 - The true copy of the representation submitted by the applicant before the 3rd respondent.

...