

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.146/87.

Shri S.K.Gokhale.

... Applicant.

V/s.

The Union of India & Eight Others.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri U.C.Srivastava,  
 Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:

Applicant by Mr.J.M.Chitale.

Respondents by Mr.A.I.Bhatkar.

Oral Judgment:-

(Per Shri U.C.Srivastava, Vice-Chairman) Dated: 3.5.1991.

The applicant who has been working as Film Library Officer in the National Film Archives, Pune from the year 1981 prays that the adverse remarks entered in the Confidential Report for the year 1984-85, communicated vide memorandum dated 7.11.1985 be quashed and suitable orders/directions be issued to the respondents to regularise the ad hoc appointment as Film Library Officer at National Film Archives, Pune w.e.f. 1.4.1981. By means of an amendment the applicant has prayed that the respondents be directed to waive the wrongful probationary period of 2 years re-imposed upon the applicant vide order dt. 13.1.1988 passed by Respondent.4 and then it be directed to regularise his appointment as F.L.O. at NFAI, Pune w.e.f. 1.4.1981 as entitled and other benefits.

2. The applicant after selection through Employment Exchange as Film Library Assistant entered the services of the department on 20th August, 1966. It appears that he was issued with certain memos and issued adverse remarks, Notwithstanding such memorandum evidencing recording of

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(11)


adverse remarks against him vide Notification dated 15.10.1981 issued by the Ministry of Information & Broadcasting the Applicant was appointed to officiate on ad hoc basis as Film Library Officer w.e.f. 1.4.1981. In the mean time in response to an advertisement by the UPSC he was selected against the said post in the year 1987. Incidentally, it appears that about the same time the adverse remarks of 1984-85 were communicated to him. He filed an appeal against the same, but the appeal was dismissed.

3. Under the relevant rule the probation period of 2 years was prescribed and he was placed on probation for a period of 2 years. Subsequently the Director against whom he has made certain allegations <sup>of</sup> ~~and~~ mala fide, has waived ~~that~~ the <sup>requirement</sup> ~~termination~~ of 2 years probation. It appears that when the matter was scrutinised at higher level, <sup>and</sup> it was found that the Director has no power to waive off this statutory requirement, consequently the probation period was re-imposed. The said probation period still continues and the grievance of the applicant is that although he has completed the probation period he has not been regularised, with the result that he has been debarred from applying for higher post, or promotion to the higher post. The applicant ~~has~~ admittedly has attained the status of Quasi Permanency, but no order of confirmation has yet been passed. The applicant has been working in his present post since 1981. The respondents should have considered this aspect that after completion of probation period which was reimposed, then the matter of regularisation/confirmation should have been considered, which has not been done, although the same should have been done in view of the fact that the adverse remarks passed in the year 1984-85 should

(12)

not stand in his way, in view of the fact that notwithstanding the adverse remarks, he was selected by the U.P.S.C.

4. Consequently, we direct the respondents to consider and finalise the applicant's case for regularisation and confirmation within 3 months from the date of communication of this order. In case during this period the applicant submits any application for higher post through proper channel, the application will be entertained without prejudice.



(M.Y. PRIOLKAR)  
MEMBER (A)



(U.C. SRIVASTAVA)  
VICE-CHAIRMAN.