

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
NEW BOMBAY BENCHCXXXNo.
T.A. No. 136/87

198

DATE OF DECISION 23.2.1988

Mr. B. M. Kukde

Petitioner

Mr. S. M. Dange

Advocate for the Petitioner(s)

Versus

Union of India through General Manager
Ordnance Factory, Varanasi. Respondent

Mr. V. K. Pradhan (for Mr. P. M. Pradhan) Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. A. Johri, Member (A)

The Hon'ble Mr. M. B. Mujumdar, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

Transferred Application No. 136/87

Mr.Balkrishna Motiram Kukde,
of Varangaon, Tal.Bhusawal,
Dist.Jalgaon.

Applicant

V/S.

The Union of India
through
General Manager,
Ordnance Factory,
Varangaon.

Respondent

CORAM: Hon'ble Member (A) A.Johri
Hon'ble Member (J) M.B.Mujumdar

Appearance :

Mr.S.M.Dange
Advocate
for the Applicant

Mr.V.K.Pradhan
(for Mr.P.M.Pradhan)
Advocate
for the Respondent

ORAL JUDGMENT

Dated: 23.2.1988

(PER: M.B.Mujumdar, Member(J)

The applicant, Shri B.M.Kukade had filed Regular Civil Suit No. 115/84 in the court of the Civil Judge (Senior Division) at Jalgaon and it is transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

2. The essential facts for the purpose of this judgment are these : In 1965 the applicant was appointed as a casual labourer in the Ordnance Factory at Varangaon. In 1967 he was promoted as Toolsetter 'D'. On 2.6.1980 he was promoted as Toolsetter 'B' on probation for a .. 2

and hence he was found unsuitable for the higher post.

5. We have just now heard Mr.S.M.Dange, the learned advocate for the applicant and Mr.V.K.Pradhan for Mr.P.M. Pradhan, learned advocate for the respondents. We have also perused the relevant record.

6. We may point out that there are reports in the record which show that not only the work of the applicant was unsatisfactory inasmuch as he was not giving the required production but he was instigating his co-workers to give low production. One of the report shows that the Reporting Officer had personally advised the applicant to improve his conduct but that was of no consequence. It is in the light of these reports that we shall have to decide the legality of the order.

7. Mr.Dange urged three points before us : The first was the applicant was not given any notice before extending his probationary period. Second was, neither the order by which his probationary period was extended nor the order of reversion was communicated to him. Lastly, he submitted that there was delay in extending the period of probation and there was also delay in reverting the applicant.

8. We do not find any substance in any of these points. As already pointed out the applicant was on probation for six months from 2.6.1980. His conduct was watched during that period and as his performance was not found satisfactory, his probationary period was extended. There is no provision which says that the order extending probationary period should be passed immediately at the