

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 395/2000

Date of Decision: 06.08.2003

Smt. Seema Sarnaaik Advocate for Applicant(s)

## Versus

Union of India & ors. Respondents

Smt. H.P. Shah, Advocate for Respondents

CORAM: HON'BLE SHRI A.S. SANGHVI. MEMBER (J)  
HON'BLE SHRI SHANKER PRASAD MEMBER (A)

1. To be referred to the reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library.

(A.S. SANGHVI)  
MEMBER (J)

Gajan

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATION NO.395/2000

THIS THE 06 TH DAY OF AUGUST, 2003

CORAM: HON'BLE SHRI A.S. SANGHVI. MEMBER (J)  
HON'BLE SHRI SHANKAR PRASAD MEMBER (A)

Smt. Minakshi Madhavrao Bahekar,  
at present residing at B/1/6/48,  
ONGC Colony, Phase II, Panvel,  
District Raigad.

By Advocate Smt. Seema Sarnaik

Versus

1. Asstt. Commissioner,  
Kendriya Vidyalaya Sangathan,  
having its Regional office at  
I.I.T Campus, Powai,  
Mumbai-400 076.
2. V.D. Gullapalli and / or his  
successor as the Principal,  
Kendriya Vidyalaya, M.I.R.C.  
Ahmednagar-414 110.
3. Branch Manager,  
Punjab National Bank,  
M.I.R.C. Ahmednagar-414 110. . . Respondents

By Advocate Smt. H.P. Shah.

O R D E R  
Hon'ble Shri A.S. Sanghvi. Member (J)

The applicant who was serving as a primary teacher is aggrieved by the order of termination of her services and has moved this OA seeking direction against the respondents to reinstate her in the service. According to the applicant she was appointed as primary teacher on an initial pay of Rs.1200/- vide order dated 03.9.1997. She was placed on probation for a period of two years and was posted at Ahmed Nagar under Respondent

No.2. According to her, though she was performing her duties efficiently, unblemishly and sincerely, her probation period was extended for one year. She had been victimised and to create evidence was given memos on various occasion. Thereafter without giving any opportunity of being heard, Respondent No.1 has terminated her services vide order dated 10.02.2000. She has alleged that she was issued various memos by Respondent No.2 out of personal vengeance and that Respondent No.2 had gone to the extent of directing Respondent No.3 Bank not to <sup>allow her to</sup> operate her bank account. According to her, the Respondent No.2 had, with malafide intention, recommended Respondent No.1 to terminate her services. She has contended that her termination order is illegal, unreasonable, unjustified, arbitrary and deserves to be quashed and set aside.

2. The respondents on the other hand, in their reply contended interalia that the work of the applicant was found not satisfactory and she was asked to show improvement. Several complaints were received from the parents and students of the school and inspite of giving her memos to show improvement in her work she had not shown any improvement. Her probation was also therefore extended so that she can show some improvement. But she failed to show any improvement in her work. There was therefore no other alternate but to terminate her services during the probation period. According to

them, the services of the applicant were terminated by an order of termination simpliciter and as such the applicant cannot make any grievance against the termination order. So far as the question of nonoperation of bank account was concerned, the respondents contend that the applicant had not furnished no due certificate after her termination and as such bank was required not allow the applicant to operate her account No.29765 till further communication. They have prayed that the OA be dismissed with costs.

3. We have heard the learned counsel for both the parties and carefully perused the documents on record.

4. It is an admitted position that the applicant had been appointed as primary teacher and was placed on probation for two years. The probation of two years would have ended on 22.02.1999 but by order dated 29.7.99 the probation was extended by one year i.e. upto 21.9.2000. It is also an admitted position that prior to 29.7.99 i.e. while the applicant was on probation, several memos were given to the applicant asking her to show improvement in her work. Most of the memos <sup>are</sup> ~~were~~ produced by the applicant herself and they clearly suggest\$ that several complaints were received against her working and the Respondent No.2 as a Principal of the School had asked her to show improvement in her work. This has clearly resulted into

extension of her probation period. The allegation of the applicant that Principal had given her memos out of personal vengeance is not supported by any evidence. On the contrary, the memos produced by the applicant herself clearly suggests that she was found to be at fault and she was not punctual in her work. She was not carrying out the correction work promptly nor being able to control the students and several complaints were received from the parents etc. Further more the order of termination of her services is a termination simpliciter and does not show that any stigma was attached to the termination. The order at Exhibit-D dated 10.02.2000 reads as under:- "With reference to KVS letter No. F.6(i)/6/97/KVS(MR)/87 dated 3.9.97 I, A.B. Joshi, Assistant Commissioner, KVS, Mumbai Region being the appointing authority hereby terminate forthwith the services of Ms. Bahekar M. Minakshi, Primary Teacher and direct that she shall be entitled to one month's pay and allowances in lieu of a month's notice period." A bare reading of this order suggests that it is a termination simpliciter and does not cast any stigma on the applicant. Since admittedly the applicant was on extended probation period and her services are brought to an end during the probation period, it cannot be gainsaid that the applicant could not have been removed from the service without any inquiry or without any opportunity of being heard. Since her services were brought to an end during the

period of probation as she had failed to show any improvement in her work or that she was not working satisfactorily. Since from the record it is evident that the applicant was given sufficient chance to show improvement in her work and only when she failed to show improvement in her work, her services were brought to an end, We do not see any reason to interfere with the orders passed by Respondent bringing an end to her service. It is a termination simpliciter and there is absolutely no iota of evidence to suggest that Respondent No.2 had any personal vengeance against the applicant. There is also no record to show that only because of the personal vengeance the termination of the applicant's services had resulted. We therefore do not see any reason to interfere with this order and we are of the opinion that there is no merit in the OA and the same deserves to be rejected. The OA therefore is rejected with no order as to costs.

*Shankar Prasad*

(SHANKAR PRASAD)  
MEMBER (A)

*A. S. Sanghvi*

(A. S. SANGHVI)  
MEMBER (J)

Gajan

*Shankar Prasad*  
14.8.2003