

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO:864/2000  
55/2001 and 96/2001  
DATED THE 30th DAY OF APRIL 2001

CORAM:HON'BLE SHRI JUSTICE ASHOK C AGARWAL, CHAIRMAN  
HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

Applicant in OA 864/2000

Sanjay Ramprasad Sarsar,  
Ex-Safaiwala, Station Headquarters,  
BEG TB 1 Follower,  
Line 58/13, Kirkee.

Applicant in OA 55/2001

Shri Ganesh B Solanki,  
2/89, Ganesh Nagar,  
Yerwada, Pune - 411 006.

Applicant in OA 96/2001

Raju Mangal Sajlani,  
Ex-Safaiwala, Station Headquarters,  
Kirkee,  
Aundhgaon, E.S.I.Hospital Servant Quarters,  
Bldg. No.D/17, Pune - 411 027.

By Advocate Shri S.P.Saxena

V/s.

1. The Union of India,  
Through the Secretary,  
Ministry of Defence,  
DHQ P.O. New Delhi - 110 011.
2. The Commander,  
Headquarters,  
Pune Sub Area,  
Pune - 411 001.
3. The Adm. Commandant,  
Station Headquarters,  
Kirkee/Aundh, Pune - 411 001.

... Respondents in all  
the three OAs.

By Advocate Shri R.K.Shetty

...2.

(ORAL) (ORDER)

Per Smt. Shanta Shastry, Member(A)

The issue involved in all the three OAs is the same and the applicants are similarly placed. We therefore proceed to dispose of all the three OAs by a common order. For illustrative purposes, the facts in OA 864/2000 are taken for consideration.

2. The applicant has challenged the order dated 11/4/2000 whereby his services have been terminated by the respondents.

3. The applicant was selected for appointment to the post of Safaiwala. After his selection he continued in employment of the respondents till the respondents terminated his services by letter dated 12/7/99 all of a sudden. The applicant then filed OA-652/99 challenging the termination order. The termination order was quashed and set aside on 18/10/99 by this Tribunal directing the respondents to reinstate the applicant in service. Thereafter the respondents reinstated the applicant w.e.f. 12/7/99 and the applicant rejoined his duties. After the applicant had resumed duties, the respondent issued another letter on 28/3/2000 whereby the applicant's probation period was extended further for one year i./e. upto 22/7/2000, without any change in the condition laid down earlier. The applicant continued on probation. Immediately, thereafter the impugned order of 11/4/2000 was issued whereby he was informed that the applicants service shall be terminated with effect from the same day i.e. 11/4/2000 on payment of one month's salary in lieu of one month's notice.

4. It is the contention of the applicant that having extended the period of probation for one year, it was unfair to

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have terminated his service within a fortnight without giving any reasons thereof for such termination. His performance should have been observed atleast during the period of one year and thereafter having obtained special report, his service could have been terminated or continued.

5. The learned counsel for the respondents submits that the respondents are at liberty to terminate the service if the performance is not found satisfactory even during the probation period and since the applicants performance was not satisfactory, his services had to be terminated.

6. We have heard the learned counsel for both sides and have given careful consideration to the pleadings. We find that having given an opportunity to the applicant to continue on probation for a period of one more year, the service of the applicant could not have been terminated within a fortnight unless there was a very serious lapse in the performance of the applicant., such serious lapse has not been recorded by the respondents in their termination order. The aforesaid order is therefore not sustainable. In view of this, the applicant deserves to be reinstated in service.

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7. Accordingly, we quash and set aside the impugned order dated 11/4/2000 and direct the respondents to reinstate the applicant from the same day i.e. 11/4/2000 alongwith consequential benefits. No orders as to costs.

MEMBER(A)

CHAIRMAN

abp

C.P. NO. 73/01  
frwd for order  
on 13-8-01  
(original cancelled)

C.P. No. 72/01 in O.A. No. 864/00.  
C.P. No. 73/01 in O.A. No. 55/01.  
C.P. No. 74/01 in O.A. No. 96/01.

Dated : 31.08.2001.

Shri S. P. Saxena for the Petitioners and  
Shri R. K. Shetty for the Respondents.

2. An affidavit of Lieutenant Colonel, K. K. Rai, Administrative Commandant, Station Headquarters, Kirkee/Aundh, Pune - 3 indicates that the petitioners had been reinstated on 17.08.2001. He has also stated that action is in hand to claim and pay the compensation benefits. We consider that by the said affidavit, the deponent Lt. Col. K. K. Rai, has indicated that the Applicant will be getting consequential benefits also.

3. We are dropping these proceedings, as the main part of the order has been complied with but we direct the respondents that all the consequential benefits are <sup>to be</sup> given to the Applicants within three months from the date of receipt of a copy of this order.

4. Subject to our above order, notice is <sup>to be</sup> discharged and the proceedings are <sup>to be</sup> dropped.

5. Notice is discharged and the proceedings are dropped. C.P. stands disposed of.

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mlg  
(B. N. BAHADUR)  
MEMBER (A).

B. Dikshit  
(B. DIKSHIT)  
VICE-CHAIRMAN.

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