

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, MUMBAI  
CAMP : GOA

O.A.NO. 1132/95

*pronounced*

3<sup>rd</sup> this the 5<sup>th</sup> day of 1996

CORAM: Hon'ble Shri B.S.Hegde, Member (J)

Hon'ble Shri M.R.Kelhatkar, Member (A)

Shaikh Abdul Ahmed Jamaluddin

(By Advocate Shri S.Natarajan) ... Applicant

V/S.

Union of India & Ors.

(By Advocate Shri E.Badrinarayan) ... Respondents

O R D E R

(Per: Shri B.S.Hegde, Member (J))

Heard Shri S.Natarajan, Counsel for the applicant and Shri E.Badrinarayan, Counsel for the respondents. In this OA. the applicant has challenged the order issued by the respondents dated 3.5.1995 extending the Probation Period upto October, 1995. He also contended that order issued by the respondents vide letter dated 17.4.1995 the applicant's name is not mentioned in the list of those who have completed the Probation Period satisfactorily. In this connection, the learned counsel for the applicant draws our attention to the order passed by the respondents vide their letter dated 17.9.1991 wherein it is stated that "the following ad-hoc Preventive Officers who were appointed as Tax. Asstt. on ad-hoc basis in the pay scale of Rs.1350-2200 are hereby regularised as Tax Asstt. w.e.f. the dates shown against their names. It is an admitted fact that all promotion cadre require a two year probation period and hence the applicant also along with the other employees is required to complete the two year probation period satisfactorily, despite

*BS*

the same, his probation period has been extended without any valid reasons. In the circumstances, he submits that the order of promotion did not specify any period of probation nor the recruitment rules provide for any period of probation. Thereby it is not open to the respondents to extend the period of probation on their whims & fancy. During the course of hearing, we have been told that the C.I.U. inquiry pending against the applicant was concluded and no specific charges were proved against the applicant. Though he could not be considered for ad-hoc promotion as Preventive Officer in accordance with the pending investigation, however, since the investigation terminated in his favour, thereby extending the probation period of the applicant on that ground is not justified, because the very ground on which the probation period has been extended has been found in his favour, the question of extending the probation period on that ground again is not warranted.

2. In the circumstances, we do not see any justification on the part of the respondents in extending the probation period. Accordingly, the order passed by the respondents vide dated 3.5.1995 extending the period of probation upto October, 1995 is hereby quashed and set aside and the respondents are hereby directed to treat the applicant as having completed probation period as on 13.8.1993 similarly to those whose names are mentioned in the 17.9.1991 and 17.4.1995 orders and the said benefit be given to the applicant within a period of one month from the date of receipt of this order. The OA. is disposed of with no order as to costs.

M.R.Kolhatkar  
(M.R.KOLHATKAR)

MEMBER (A)

B.S.Hegde  
(B.S.HEGDE)

MEMBER (J)