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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 680/94.

Dt. of Decision : 22.7.94.

Mr. T. Abdul Azeem

.. Applicant.

vs

1. Chief Engineer,
Headquarters Southern Command,
Engineers Branch,
Pune - 411 001.
2. Research & Development,
Picket, Sec'bad-500 003.

(Project) (Indep),
Research & Development,
Chandrayanagutta,
Hyderabad - 500 005.

.. Respondents.

(Party-in-person)

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC.

THE HON'BLE SHRI A.V. HARIKASAN : MEMBER (JUDG.)
THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

OA680/94.

Dt. of Order: 22-7-94.

(Order of the Divn. Bench passed by Hon'ble
Shri A.V.Haridasan, Member (J)).

* * *

The applicant is an ex-service man whose services on re-employment was terminated on 29-2-88 during the extended period of probation. He made a representation on 11-10-93 (Annexure A-3) and another representation on 19-1-94 requesting for reinstatement. These representations were considered by the competent authority who by the impugned order stated that as his probation was terminated on account of unsatisfactory performance, there was no possibility of reconsideration. Aggrieved by this, the applicant has filed this application. The relief sought is for a declaration that the action of the respondents in placing him on probation is void and for a direction to the Respondents to treat that he was regularly appointed to the post and for further direction to the respondents to reinstate him in service with full back wages and consequential benefits.

The applicant who is present in person and Shri N.V.Ramana, learned standing counsel for the Respondents. The applicant's case is that the action of the Respondents in placing him on probation is illegal and void

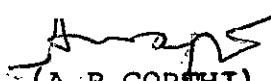
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has no merit because the applicant has accepted the re-employment vide Annexure A-2, which specifically stated that he would be on probation for a period of 2 years. At this stage, nearly a decade thereafter it is not open to the applicant to challenge this part of Annexure A-2. Coming to the next point, though the applicant's services were terminated in the year 1988, it was in the year 1993 and 1994 that he made representations seeking reinstatement. However the applicant submits that he had made representations to the respondents earlier also, but without any proof to substantiate that. However, the applicant was admittedly a probationer without any stigma, by a simple order of discharge owing to unsatisfactory performance during probation which the competent authority was competent to do.

3. We therefore do not find any reason to interfere at the admission stage itself leaving the parties to bear their own costs.


(A.B.GORTHI)
Member (A)


(A.V. HARIDASAN)
Member (J)

Dt. 22nd July, 1994.
Dictated in Open Court.

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DEPUTY REGISTRAR(J)

Copy to:
1. The Chief Engineer, Head Quarters, Southern Command,
Engineers Branch, Pune - 411 001.

2. The Chief Engineer, (Project), Research & Development,
Picket, Secunderabad - 500 003.

3. The Garrison Engineer, (Project) (Indep),
Research & Development, Chandrayanagutta,
Hyderabad - 500 005.

4. One copy to Mr. T. Abdul Azeem, Party in person,
H.NO.10-1-1039, A.C.Gardens, Hyderabad - 500 004.

5. One copy to Library, C.A.T, Hyderabad.

7. One spare copy.
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIOSAN: MEMBER(J)

AND

THE HON'BLE MR.A.V.HARIOSAN: MEMBER(J)

Dated: 22-7-94

ORDER/JUDGMENT.

M. P. No. _____

D.A. No. 680/94

T.A. No. _____ (W.P. No. _____)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

