

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NO. 291/455/2017
WITH
MISC. APPLICATION NO. 291/520/2017**

Order Reserved on: 20.02.2018

DATE OF ORDER: 29.05.2018

CORAM

**HON'BLE MS. B. BHAMATHI, ADMINISTRATIVE MEMBER
HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER**

1. Hemant Kumar Gupta S/o Shri Mahendra Kumar Gupta, aged about 32 years, R/o 27, Deep Vihar, Near Dadi Ka Phatak, Benad Road, Jhotwara, Jaipur-12, presently working as L.D.C. in the O/o H.Q. South Western Command, C/o 56, APO, Pin-908646 – Group 'C' employee.
2. Dashrath Singh Nathawat S/o Gulab Singh Nathawat, aged about 33 years, R/o Village Udaipura Via Chomu, Jaipur, presently working as Messenger in the O/o H.Q. South Western Command, C/o 56, APO, Pin-908646.
3. Deepak Gothwal S/o Prabhu Dayal Gothwal, aged about 34 years, R/o House No. 245-A, Surya Nagar, Bharat Marg, Near Vivek Public Senior Secondary School, Jaipur, presently working as Steno Grade-II, O/o H.Q. South Western Command, C/o 56, APO, Pin-908646.
4. Jeevraj Singh S/o Mr. Prem Singh, aged about 33 years, R/o B-17, Marudhar Vihar, Khatipura, Jaipur, presently working as Messenger in the O/o H.Q. South Western Command, C/o 56, APO, Pin-908646.
5. Nathu Ram Meena S/o Shri Kalu Ram Meena, aged about 37 years, R/o Village Harwar, Tehsil Amer, presently working as Safaiwala in the O/o H.Q. South Western Command, C/o 56, APO, Pin – 908646.
6. Pradeep Kumar S/o Shri Prithvi Singh, aged about 34 years, R/o 251, Bhartendu Nagar, Khatipura, Jaipur-12, presently working as L.D.C. in the O/o H.Q. South Western Command, C/o 56, APO, Pin-908546.
7. Rajendra Prasad Meena S/o Shri Ramhet Meena, aged about 36 years, R/o D-217, Prem Nagar, Drapaudi Marg, Jhotwara, presently working as LDC in the O/o H.Q. South Western Command, C/o 56, APO, Pin-908546.

8. Shiv Shakti Chamola S/o Shri Govind Ram, aged about 31 years, R/o 202, CPWD Quarter, Nirman Vihar, Vidhyadhar Nagar, Jaipur, presently working as Messenger, O/o H.Q. South Western Command, C/o 56, APO, Pin-908646.
9. Vijay Singh S/o Vikram Singh, aged about 32 years R/o C-61, Amar Nagar, Khatipura, District Jaipur-12, presently working as Messenger, Group 'D' in the O/o H.Q. South Western Command, C/o 56, APO, Pin-908646.

....Applicants

Mr. Amit Mathur,
Mr. P.N. Jatti &
Mr. B.K. Jatti : counsel for applicants.

VERSUS

1. Union of India through its Secretary to the Ministry of Defence, South Block, New Delhi.
2. Chief of Army Staff, Indian Army, Integrated Headquarter of the Ministry of Defence (Army), DHQPO, New Delhi-1.
3. General Officer Commanding in Chief, South Western Command, C/o 56 APO, Pin-908546.
4. Brigadier (Administration) Headquarter South Western Command, C/o 56, APO, Pin-908546.

....Respondents

Mr. Rajendra Vaish : counsel for respondents.

ORDER

Per: Suresh Kumar Monga, Judicial Member

The pleaded case of the applicants herein is that the Headquarters of South Western Command had issued a notification No. C/o 56 APO dated 13.07.2005 and the same was advertised inviting applications from the eligible candidates for recruitment on different civilian posts. The applicants being eligible to man the respective posts had submitted their applications and they appeared in the written examination as well as interview conducted by the respondents. After completion of selection process, the respondents published the selection list

and thereafter issued the appointment letters to applicants and they were posted on different posts at the Headquarters, South Western Command. As per the terms of appointment letters, they were put on probation for a period of two years. However, after completion of probation period, their services were not confirmed and the probation period was further extended for a period of one more year vide order dated 19.05.2008. It has further been pleaded that the extension of probation period of the applicants' services was not attached to their performance. It was extended because of the pendency of Writ Petition No. 1585/2006 (Bajrang Lal Gurjar vs. UOI & Ors.) before the Hon'ble High Court of Rajasthan wherein a challenge to the selection process was laid down. Though the selection process was sought to be justified by the respondents while filing reply in the said writ petition, but still the probation period of the applicants was further extended upto 30.09.2009 vide order dated 30.07.2009 (Annexure A/6). It has further been asserted that being seriously aggrieved by the arbitrariness of the respondents and having serious apprehension of termination of their services, some of the applicants preferred a writ petition before the Hon'ble High Court of Rajasthan, which was dismissed as withdrawn on 03.01.2011 because of jurisdictional error. After withdrawal of the said writ petition, some of the applicants had preferred O.A. No. 60/2011 before this Tribunal, which came to be disposed of on 17.03.2011 with a direction to the applicants to file a representation before the respondents and the respondents were further directed to decide the same. Thereafter, a representation dated 02.05.2011 was moved by the applicants before the respondents and a request was made

for confirmation of their services as they were allowed the appointments after clearing the due selection process. The said representation was replied by the respondents mentioning therein that as the selection process was under consideration, therefore, the applicants could not be confirmed. After receiving the reply dated 08.05.2012, the applicants again made several representations and asked for completion of selection process but on each and every time, the respondents made the same reply and denied their genuine request. After rejection of the representation, the respondents had issued a circular dated 16.11.2013 vide which they directed the applicants no. 2 and 6 to present themselves before Brigadier (Administration), Headquarters South Western Command with relevant documents. Since the applicants no. 2 and 6 had already been given appointments pursuant to notification dated 13.07.2005, the procedure to call them again vide circular dated 16.11.2013 was wholly arbitrary. Therefore, the applicants no. 2 and 6 made a representation dated 18.11.2013 before the respondents and requested them to communicate the reasons behind calling them again for reappointment. When no action was taken for a long period, the applicants had sent a notice through their counsel to the respondents for taking necessary action. However, the same was rejected vide order dated 26.11.2016 and, therefore, the applicants preferred an O.A. before this Tribunal seeking a direction to the respondents to regularize their services. During the pendency of said OA, the services of the applicants have been terminated vide order dated 28.08.2017 (Annexure A/1) and, therefore, they have invoked the jurisdiction of this Tribunal

under Section 19 of the Administrative Tribunals Act, 1985 making therein the following prayers: -

"8.1 That by a suitable writ/order or the directions the impugned order dated 28/8/2017 be quash and set aside.

8.2 That by a suitable writ/order or the directions, the respondents be directed to reinstate the applicants from the date of termination with all the consequential benefits.

8.3. That by a suitable writ/order or the directions the respondents be directed to confirm the service of the applicants w.e.f. date of joining in pursuance to the respective appointment orders.

8.4. That by a suitable writ/order or the directions, the respondents be directed to regularize the services of the applicants w.e.f. the date of confirmation of their services and all the consequential benefits attached with the post may also be allowed to the applicants as the same have been allowed to the other incumbents who were appointed simultaneously with the applicants."

2. The respondents by way of filing a joint reply have joined the defence and opposed the claim of the applicants. Apart from the preliminary objection that the applicants have not approached the Tribunal with clean hands and have suppressed the material facts, the claim of the applicants has been opposed on merits with the assertions that recruitment process for 92 civilian posts was carried out by the Headquarters, South Western Command during the year 2005-06. In the first phase, all 92 Group 'C' and Group 'D' Defence Civilian Employees were selected and recruited after undertaking the process of written

test and interviews. In the appointment letters issued to the candidates, it was clearly mentioned that their appointments are provisional and purely on temporary basis subject to the verification of educational, caste and other certificates produced by them. The initial appointment was on probation for two years. After declaration of result by the selection Board, one Bajrang Lal Gurjar, one of the aspirants for the post of Messenger who was not selected, had challenged his non-selection alleging discrepancies in the merit list by filing SB Civil Writ Petition No. 1586/2006 in the Hon'ble High Court of Rajasthan at Jaipur, which was dismissed as infructuous on 21.11.2008. Apart from this, in the year 2009, the applicants herein along with 40 others filed batch of writ petitions before the Hon'ble High Court of Rajasthan at Jaipur praying therein for regularization / confirmation of their appointments and by way of an interim order dated 06.07.2009, the respondents were restrained from terminating their services. The said interim order was later on confirmed. However, later on, the said writ petitions were dismissed as withdrawn with liberty to avail the alternative remedy vide order dated 03.01.2011. Thereafter O.A. No. 60/2012 and OA No. 81/2011 were preferred before this Tribunal, which came to be disposed of vide orders dated 17.03.2011 and 01.04.2011 with the directions to applicants to file representations raising all the pleas made in the OAs and the respondents were further directed to consider those representations and pass appropriate orders.

3. In the meantime, consequent upon a challenge to the board proceedings of selection by Bajrang Lal Gurjar before the Hon'ble High Court of Rajasthan at Jaipur, Integrated Headquarters of

Ministry of Defence (Army) called for the said Board proceedings for scrutiny. On perusal, Integrated Headquarters of Ministry of Defence (Army) vide letters dated 05th July, 2006 and 12th September, 2006 had observed that the Government orders on reservation in vogue with respect to recruitment have been violated in preparing the select list and pointed out the following anomalies:

- "(a) SC/ST/OBC candidates less than 25 years of age but higher in merit than selected General candidates are placed against SC/ST/OBC categories.
- (b) Quota for physically handicapped is 3% of the notified vacancies. It stands exceeded by selecting three persons against 45 vacancies.
- (c). Quota for SC vacancies came to seven whereas only six vacancies are shown reserved and filled.
- (d) Candidates belonging to ex-servicemen are not placed against their respective categories i.e. SC/ST/OBC/General."

In view of the aforesaid anomalies, the authorities held that the existing panel is invalid and directed to recast the panel afresh in accordance with Government orders on the subject. Since the stay granted by the Hon'ble High Court of Rajasthan, at Jaipur and by the C.A.T., Jaipur Bench was continuing, the applicants were allowed to continue in services and their probation period was extended from time to time.

4. It has further been averred that consequent upon the observations raised by Army Headquarters, the recast Board of Officers for selection was carried out in 2012 strictly in

accordance with the Government policies on reservation and as per the fresh recast panel, 19 personnel including the applicants were not selected. The said recast panel of selection was forwarded to the Integrated Headquarters of Ministry of Defence (Army) and an advice was given to issue offer of appointments to those 19 persons who were selected in the recast select panel. The representations submitted by the applicants pursuant to orders of the Tribunal dated 17.03.2011 and 01.04.2011 were duly considered and rejected by the GOC-in-C, South Western Command vide order dated 08th May, 2012 stating therein the detailed reasons for non-confirmation of their appointments. The applicants were fully aware of invalidity of Board by which they were selected, observations raised by higher Headquarters on the select panel and their status as temporary employees on probation. Based on the advice of higher Headquarters, the applicants were asked to submit willingness certificate for posting to any other place for absorption and regularization since all the vacancies of recast select panel were already filled up and absorbed. Five persons out of 19 irregular civil defence employees gave their willingness to their posting out in other command and, accordingly, they were regularized. However, the applicants declined to submit the willingness for posting to other stations. The Intergrated Headquarters of Ministry of Defence (Army), after due consideration intimated the Headquarters South Western Command vide letter dated 15th June, 2017 that the applicants' claim to posts/jobs ceased to exist on the very day when their names were got removed from the redrawn select panel and it was recommended to terminate their services forthwith and accordingly their services have been terminated.

With all these assertions, the respondents have prayed for dismissal of the O.A.

5. While filing rejoinder to reply, apart from controverting the facts pleaded therein and reiterating the facts of the O.A. it has also been pleaded by the applicants that the orders of termination of their services have been passed after a period of 11 years of their appointments and the respondents have assigned four reasons for termination of their services, which are reproduced here as under: -

"(a) SC/ST/OBC candidates less than 25 years of age but higher in merit than selected general candidates should have been counted against the vacancies of general category as per government OM dated 01.07.1998.

(b) Messengers and Safaiwala are identified categories for physically handicapped persons. If there are total 70 posts, 02 physically handicapped persons (01-Messenger and 01-Safaiwala) should have been appointed.

(c) The vacancies reserved for ST, SC, OBC are not permitted to be filled by general candidates even when SC/ST/OBC candidates are not available.

(d) Ex-servicemen are to be placed against their respective category i.e. SC/ST/OBC/General as per government rules."

On the basis of above four anomalies, the respondents have re-casted the panel of selection and have decided to terminate the services of 19 candidates including the applicants herein. It has further been averred that the reasons assigned by the respondents do not apply in the case of the applicants. The applicant no. 3, who belongs to SC category, was appointed on

the post of Stenographer and in the re-cast panel, no candidate of SC category has replaced him. The applicant no. 5, Nathu Ram Meena, who was appointed on the post of Safaiwala belongs to ST category. The respondents in the notice published in the paper have called other members of ST category and offered them appointment and it is not the reason assigned by them that the candidates having lesser merit have been given appointments. The replacement of member of ST category with another member of ST category establishes that the four reasons assigned by the respondents are not the ground to terminate their services. Two candidates namely Dashrath Singh Nathawat and Pradeep Sharma both were selected in the revised panel also and if they were eligible in the revised recast panel then there was no reason to terminate their services. It has further been averred that these two persons were directed to submit their resignations for fresh joining as per recast panel. So far as the post of LDCs are concerned, the applicants no. 1, 6 and 7 were working on the post of LDC. The applicant no. 7 belongs to ST category and he has been ordered to be terminated but none of the four reasons can be made ground to terminate his services. So far as the applicant no. 6 is concerned, his name was there in the recast panel also and, thus, there was no justification to terminate his services. The applicant no. 1 belongs to general category and he was appointed as LDC. Those persons who have been included in the recast panel belong to OBC category. The respondents have not assigned any specific reason to terminate the services of applicant no. 1. Out of the total 16 advertised vacancies of LDC, 06 belong to unreserved category and no candidate in the recast panel joins

the services as LDC. It has further been averred that total 45 vacancies were advertised for the post of Messenger. The applicants no. 2, 4, 8 and 9 belong to general category and their services have been ordered to be terminated. However, those who were recalled in the recast panel include the persons belonging to general category. It shows that if the general category candidates are replaced with another general category candidates then the dispute does not pertain to the reservation.

6. The respondents by way of filing a counter to rejoinder refuted all the above narrated facts. It has been averred that consequent upon observations raised by Integrated Headquarters, Ministry of Defence (Army) on the initial board of officers, with respect to incorrect allocation of vacancies, the recast panel of selection for civilian employees was done strictly as per the Government policy on reservation. It has been pleaded that in recast panel on recalculation of vacancies, no vacancy for SC was earmarked for the post of Stenographer and, hence, the applicant no. 3 was not selected in the recast panel. As regard applicant no. 5, he was from ST category and was considered for the post of Safaiwala but in the recast panel, only one vacancy was earmarked for ST category and against the said vacancy Shri Shankar Lal was selected. It has further been averred that the applicants no. 2 and 6 were not selected in the recast panel but their names figured in 'Reserve' in the recast panel board and, therefore, they were asked for verification of their documents as per normal recruitment procedure. The applicant no. 7 was considered for the post of Lower Division Clerk in ST category since in the recast panel only one vacancy was reserved for ST category for the post of Lower Division

Clerk, therefore, the applicant no. 7 was not selected. A further case has been set up by the respondents in their counter to rejoinder that applicants no. 2, 4, 8 and 9 did not figure in the select list in recast panel because of being low in merit once the correct recruitment procedure was followed and, therefore, their services have been terminated as per Rule 5 of DoPT guidelines being irregular.

7. Heard learned counsel for the parties.

8. Shri Amit Mathur, learned counsel for the applicants argued that after a period of more than 11 years, the services of the applicants cannot be terminated by the respondents by pointing out the anomalies while recasting the select panel. He further argued that the applicants did not play any fraud or misrepresented the respondents in order to get themselves selected. They had submitted their applications pursuant to advertisement issued by the respondents and qualified the written test and interview conducted by them. It was none of their fault as now being pointed out by the respondents that the reservation policy in vogue was not followed while earmarking the posts for different categories. Shri Mathur, while relying upon a judgment of the Hon'ble Supreme Court in the case of Rajesh Kumar & Ors. etc. vs. State of Bihar & ors. etc. (Civil Appeal Nos. 2525-2516 of 2013) decided on 13th March, 2013 (Annexure A/17) and a judgment of the Honble High Court of Punjab and Haryana at Chandigarh in the case of Sahil Aggarwal vs. State of Punjab and others (CWP No. 12835 of 2012) decided on 26th April, 2014 (Annexure A/18) and another judgment of Chandigarh Bench of this Tribunal in the case of Harpal Singh vs.

U.T. Chandigarh & Ors. (OA No. 060/00304/2014) decided on 26.04.2017 (Annexure A/19), contended that because of an error on the part of the respondents, the services of the applicants, who had completed more than 11 years in service, cannot be terminated as neither there are allegations of fraud nor mischief or misrepresentation against them.

9. Shri Mathur further argued that the probation period of the applicants was arbitrarily extended from time to time and it was contrary to the provisions of OM dated 21st July, 2014 (Annexure A/16) issued by the Ministry of Personnel, Public Grievances and Pension (Department of Personnel & Training). While referring the said OM, learned counsel contended that the probation period of an employee cannot be extended for more than a year and in no circumstances an employee can be kept on probation for more than double the normal period. At no point of time, the applicants were found unsuitable for the services. Still the respondents had been extending the probation period of the applicants arbitrarily.

10. Per contra, Shri Rajendra Vaish, learned counsel for the respondents argued that recast panel for selection of civilian employees was prepared strictly as per the Government policy on reservation since there was an observation raised by the Integrated Headquarters, Ministry of Defence (Army) on the initial board of officers, with respect to incorrect allocation of vacancies as the reservation policy in vogue was not followed. He further argued that after declaration of result by the selection board, one Bajrang Lal Gurjar, had challenged his non-selection before the Hon'ble High Court of Rajasthan at Jaipur. Though

his writ petition was dismissed as infructuous but during the process it was noticed that the reservation policy was not followed and, therefore, the action of the respondents in preparing the recast panel cannot be termed to be illegal. Learned counsel further argued that there was nothing wrong in extending the probation period of the applicants as the matter was under scrutiny of the Integrated Headquarters, Ministry of Defence (Army). The services of the applicants have been terminated during the probation period as per the terms of their appointment letters and there is no fallacy in the same.

11. Considered the rival contentions of learned counsel for the parties and perused the record.

12. Admittedly, the recruitment process for 92 civilian posts was carried out by the Headquarters, South Western Command during the year 2005-06. In the first phase, all 92 Group 'C' and Group 'D' Defence Civilian Employees were selected and recruited after undertaking the process of written tests and interviews. In the appointment letters issued to the applicants, it was mentioned that their appointments are provisional and purely on temporary basis subject to verification of educational, caste and other certificates produced by them. They were put on probation for a period of two years. After declaration of result by the selection board, Bajrang Lal Gurjar, one of the aspirants for the post of Messenger, had challenged his non-selection alleging discrepancies in the merit list by way of filing S.B. Civil Writ Petition No. 1586/2006 in the Hon'ble High Court of Rajasthan at Jaipur. While filing reply to said writ petition, the respondents had justified the selection of all 92 candidates

including the applicants herein but still the probation period of the applicants was extended. It requires to be mentioned here that the extension of applicants' probation period was not attached to their performance. The writ petition filed by said Bajrang Lal Gurjar was dismissed as infructuous on 21.11.2008 and after dismissal of the said writ petition, there was no reason with the respondents to further extend the period of probation but still their probation period was extended. In the year 2009, the applicants herein along with 40 others had filed batch of writ petitions before the Hon'ble High Court of Rajasthan at Jaipur praying therein for regularization / confirmation of their appointments and by way of an interim order dated 06.07.2009, the respondents were restrained from terminating their services. The writ petition filed by them was dismissed as withdrawn with liberty to avail alternative remedy vide order dated 03.01.2011. Thereafter, the applicants preferred OA No. 60/2012 and OA No. 81/2011 before this Tribunal and those were disposed of vide order dated 17.03.2011 and 01.04.2011 with a liberty to the applicants to move representations raising all the pleas made in the OAs and the respondents were directed to consider those representations and pass appropriate orders. The representations moved by the applicants pursuant to orders passed by this Tribunal were replied by the respondents with the observation that the selection process is under consideration and, therefore, the applicants cannot be confirmed. Thereafter, a circular dated 16.11.2013 was issued by the respondents wherein the applicants no. 2 and 6 were directed to remain present before Brigadier (Administration), Headquarters, South Western Command with relevant documents. All the applicants

herein were allowed to continue in services and their probation period was extended from time to time and ultimately their services have been terminated on 28.08.2017 by referring recast panel prepared by the respondents as per the directions of Integrated Headquarters, Ministry of Defence (Army).

13. After considering the rival contentions of the learned counsel for the parties, we are of the view that the orders terminating the applicants' services cannot be justified after a period of more than 11 years of their appointments. Admittedly, there was no fraud, mischief or misrepresentation on the part of the applicants. The error while allocating the vacancies to different categories on the part of the respondents cannot be attributed to the disadvantage of the applicants who have rendered more than 11 years unblemished services with the respondents. The Hon'ble Supreme Court in the case of Rajesh Kumar & Ors. etc. vs. State of Bihar & ors. etc. (supra) was dealing with almost an identical situation wherein the candidates were appointed pursuant to a selection made by Bihar State Staff Selection Commission and the model answer key for evaluation of answer scripts of candidates was found to be erroneous. It was held by the Hon'ble Supreme Court that instead of directing fresh examination, the appropriate way was to correct the answer key and get the answer scripts reevaluated on the basis thereof when there was no allegation about any malpractices, fraud or corrupt motives which can possibly vitiate the earlier examination. The plea raised on behalf of the selected candidates was accepted and it was ordered that in case the selected candidates do not fall within the select list prepared after re-evaluation of the answer scripts with the help of correct

answer key, they should not be ousted from service. The reason was that they were not responsible for the error committed and further they had served the State without any complaint for nearly seven years. The similar view was taken by the Honble High Court of Punjab and Haryana at Chandigarh in the case of Sahil Aggarwal vs. State of Punjab and others (supra) as well as by the Chandigarh Bench of this Tribunal in the case of Harpal Singh vs. U.T. Chandigarh & Ors. (supra).

14. The Hon'ble High Court of Rajasthan at Jodhpur in the case of Mohan Lal Kadwasra vs. Rajasthan State Road Transport Corporation (D.B. Civil Special Appeal Nos. 783, 784, 793, 794, 795, 796, 865, 889 and 977/2014) decided on 08.01.2018 has held that the services of the persons appointed through competitive examination in accordance with the rules should not be terminated on the ground of preparation of erroneous results for which nothing can be attributed to them.

15. The Hon'ble Supreme in the case of Buddhi Nath Chaudhary and Ors. Etc. vs. Abahi Kumar and Ors., Appeal (Civil) No. 1397 of 2001, decided on 21.02.2001, reported in (2001) 3 SCC 328, the Hon'ble Supreme Court was examining almost an identical question wherein the appointments of selected candidates were under challenge on the ground that they were not possessing the qualification or experience from an appropriate Automobile Institution registered under the Factories Act, 1948 and they also did not possess the requisite driving licence. While taking into consideration the services rendered for more than a decade by those candidates, the Hon'ble Supreme Court extended the

equitable considerations to selected candidates as they had worked for such a long period.

16. In our considered view, the applicants who had successfully qualified the written examinations as well as interviews and had been efficiently serving the respondent-department for more than 11 years, undoubtedly, termination of their services would not only impinge upon their economic security but also adversely affect their careers. This would be highly unjust and grossly unfair to the applicants who are innocent appointees simply because while undertaking the recruitment process, the respondents failed to allocate the number of vacancies to different categories as per the reservation policy in vogue at that time.

17. In view of the above deliberations, the orders of termination of the applicants dated 28th August, 2017 (Annexure A/1 collectively) cannot be sustained and the same deserve to be quashed and set aside.

18. Furthermore, the applicants had been performing their duties for the last more than 11 years and at no point of time, they were found unsuitable for the posts held by them. In this view of the matter, we are of the considered view that the action of the respondents while extending the applicants' probation period from time to time was unjustified. As per the terms of OM dated 21st July, 2014 issued by the Ministry of Personnel, Public Grievances and Pension (Department of Personnel & Training), the probation period of an employee cannot be extended for more than a year and in no circumstances an employee can be kept on probation for more than double the

normal period. Thus, we also hold that the action of the respondents in extending the probation period of the applicants from time to time was arbitrary.

19. In the conspectus of discussions made in the foregoing paras, the instant Original Application is allowed. The impugned orders dated 28th August, 2017 (Annexure A/1 collectively) terminating the services of the applicants are hereby quashed and set aside. The respondents are directed to reinstate the applicants in services forthwith with all consequential benefits. Since the action of the respondents in extending the applicants' probation period from time to time has been held to be arbitrary, therefore, a further direction is issued to the respondents that after their reinstatement, they shall also be ordered to be confirmed in services.

20. Ordered accordingly. There shall be no order as to costs.

21. In view of the order passed in the instant O.A., the M.A. No. 291/520/2017 praying for interim relief has rendered infructuous and the same stands disposed of accordingly.

**(SURESH KUMAR MONGA)
JUDICIAL MEMBER**

**(B. BHAMATHI)
ADMINISTRATIVE MEMBER**

Kumawat