
(2009) 07 RAJ CK 0068

In the Rajasthan High Court

Case No : Civil Writ Petition No. 1037 of 2002

Kendriya Vidyalaya Sangathan and Others

APPELLANT

Vs

Budh Ram and Another

RESPONDENT

Date of Decision : 30-07-2009

Acts Referred:

Citation : (2010) 124 FLR 769

Hon'ble Judges : G.S. Sarraf, J;Asok Parihar, J

Bench : Division Bench

Advocate : V.S. Gurjar, for the Appellant; N.S. Chauhan, for the Respondent

Judgement

Ashok Parihar and G.S. Sarraf, JJ.—Petitioners have challenged the order dated 23.11.2000 passed by the Central Administrative Tribunal, Jaipur by which the termination of respondent No. 1, the concerned employee has been set aside and he has been ordered to be reinstated with all consequential benefits. As has come on record, the concerned employee was appointed as Chokidar on probation for two years vide order dated 3.6.1095. The probationary period was further extended for one year vide order dated 12.3.1997. Subsequently, another order for extension of probation period for one year had been issued on 10.6.1998. However, just after two days, the services of the concerned employee came to be terminated on the ground of unsatisfactory work during the period of probation.

2. It has been alleged that the work and performance of the concerned employee was not satisfactory and even during his tenure of service, a theft took place in the school campus while the concerned employee was on duty. However, there is nothing on record to show as to whether any criminal proceedings were drawn against the concerned employee or even departmental enquiry was ever held. There is no satisfactory explanation as to why the concerned employee was not punished at appropriate stage if he had committed any misconduct. Once the probation period having been extended for further one year vide order dated 10.6.1998, it is not known to how just after two days his services came to be

terminated on the ground of unsatisfactory work during the period of probation. The termination on the face of it appears to be unreasonable and arbitrary.

3. Having considered entire facts and circumstances, we find no error or illegality in the impugned order of the Tribunal so far direction for reinstatement are concerned. The termination took place on 12.6.1998. As per statement made by Counsel for the parties, the concerned employee has already been reinstated in service. Looking to the nature and duration of employment, we deem it just and proper to modify the relief granted by the Tribunal to the extent that though continuity of service shall be maintained, however, the concerned employee shall not be entitled for salary for the period from the date of termination till the date of reinstatement.

With the above observations and directions, the writ petition is disposed of accordingly.