
(1998) 07 DEL CK 0091
In the Delhi High Court
Case No : CW. No. 226 of 1994

Khazan Chand

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 27-07-1998

Acts Referred:

Citation : (1998) 47 DRJ 688

Hon'ble Judges : K. Ramamoorthy, J

Bench : Single Bench

Advocate : Meena C. Sharma, for the Appellant; V.K. Makhija, for the Respondent

Final Decision : Allowed

Judgement

K. Ramamoorthy, J.—The petitioner was appointed as Station Master for mini train vide Office Order No. 38 dated the 25th of February, 1992, The order reads as under:-

"Shri Khazan Chand who is presently performing the duties of Station Master is appointed to the post of Station Master in the pay scale of Rs. 1200-30-156()-EB-40-2040 w.e.f. 10th Jan., 1992. Shri Khazan Chand will undergo the requisite training of Station Master being provided by Northern Railway.

Shri Khazan Chand will be on probation for a period of two years with effect from the date of appointment."

2. On the 8th of January, 1994, the petitioner was reverted to his original post. The order reads as under:-

"Shri Khazan Chand who was appointed as Station Master w.e.f. 10.1.92 in the pay scale of Rs. 1200-2040 and put on probation for a period of two years vide Office Order No. 38 dated 25th February, 1992, is hereby reverted to his original post of Peon with immediate effect."

3. The third respondent gave a notice on the 5th of January, 1994 and that was

served on the petitioner on the 6th of January, 1994. Without awaiting any reply, the order was passed on the 8th of January, 1994 reverting the petitioner.

4. It is stated by the petitioner that the work of the petitioner was appreciated by the officers. In the counter-affidavit, it is stated that the impugned order had been passed in exercise of the power under Clause 13(ii) of BBSI Byelaws. The said clause reads as under:-

"During the period of probation if an employee is found unsuitable for holding that post, or has not completed his period of probation satisfactorily, the Appointing Authority may

a) in the case of promotee, revert him to the prior post, and

b) in the case of direct recruit regular or temporary terminate the service on payment of a month's salary."

5. The respondents have not substantiated their that the petitioner was found unsuitable for holding that post. Regarding the training to be undergone by the petitioner during the probation period, it is for the respondents to have sent him for training and nothing less has been mentioned in the counter-affidavit that the petitioner can go to any institute to get the requisite training.

6. On the ground of violation of principles of natural justice, the impugned order is set aside. The petitioner shall be permitted to work as Station Master by virtue of the order passed on the 25th of February, 1992.

7. This would not affect the power of the respondents to take appropriate action against the petitioner relating to his probation, if so advised. The respondents shall give the petitioner all the monetary benefits as if he continued in service by virtue of Officer Order dated the 25th of February, 1992.

8. The writ petition stands allowed in the above terms.

9. There shall be no orders as to costs.