
(2011) 05 DEL CK 0043

In the Delhi High Court

Case No : Writ Petition (C) No. 3093 of 2011

Pradeep Lal

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 10-05-2011

Acts Referred:

Citation : (2011) 05 DEL CK 0043

Hon'ble Judges : Rekha Sharma, J

Bench : Single Bench

Advocate : Party in Person, for the Appellant; Sweety Manchanda and Anupam Dubey, for the Respondent

Final Decision : Dismissed

Judgement

Rekha Sharma, J.—The Petitioner vide letter dated August 05, 2008 was appointed to the post of Manager (Training & Capacity Building) on a project on "Energy Efficiency Improvement in Steel Rerolling Mill (SRRM) Sector". It was a condition of his employment that he shall remain on probation for a period of six months and that his confirmation will be subject to the satisfactory performance during the probation period. The details with regard to the project and the manner, in which the services of an employee in relation to that project can be terminated, are contained in "Project Operations Manual".

2. It appears that the Respondent did not find the performance of the Petitioner up to the mark and hence, vide communication dated December 31, 2008, he was informed that, "your employment with us as Expert (Training & Capacity Building) is not confirmed and is discontinued with effect from 1st January, 2009." He was further informed that the job to which he was appointed "has been the most demanding one, resulting in timely completion of output/deliverables. However, your contributions were nowhere close to the targets.... Your performance did not reflect your expertise in the assignment given to you." However, he was given one month's salary in lieu of the notice period.

3. Aggrieved by the order of his termination, the Petitioner says that, initially he made representations to the concerned authorities and when he did not receive a favourable response from them, he moved the Central Administrative Tribunal, but to no avail. The Tribunal by order dated February 17, 2010 dismissed his petition. Thereafter, he says that, he went to the Department of Public Grievances and when he did not receive a favourable response from there as well, he has filed the present writ-petition challenging discontinuation of his service contract.

4. On hearing the Petitioner and the learned Counsel for the Respondent, I feel that the writ-petition has no merit. It is clear from the letter of appointment of the Petitioner dated August 05, 2008 that his initial appointment was for a period of six months and he was entitled to confirmation only on his satisfactory performance during the probation period. Also, as per Clause 6.9 of the "Project Operations Manual", his services could be terminated at any time by giving him one month's notice or by paying him salary in lieu of the notice period. Having regard to the fact that the Petitioner was on probation for a period of six months and in view of Clause 6.9 of the "Project Operations Manual" which gave the Appointing Authority the right to terminate his contract at any time by giving him one month's notice, I find no infirmity in the order dated August 31, 2008 discontinuing his service contract during the probation period.

5. It is contended by the Petitioner that even though he was on probation, the Respondent was supposed to observe the principles of natural justice and ought to have given him show-cause notice before discontinuing his service contract. I do not agree. While on probation, the Petitioner was entitled to no such notice.

6. I am also of the view that the writ-petition has been filed belatedly. The service of the Petitioner was terminated on December 31, 2008 but he has chosen to come to this Court almost three years thereafter and more than two years after the Central Administrative Tribunal had dismissed his petition.

7. For the fore-going reasons, I find no merit in the writ-petition. The same is dismissed.