
(2006) 08 DEL CK 0041

In the Delhi High Court

Case No : Writ Petition (C) No. 3344 of 2003

Santanu Kundu

APPELLANT

Vs

Canara Bank and Others

RESPONDENT

Date of Decision : 04-08-2006

Acts Referred:

Canara Bank (Officers) Service Regulations, 1979 — Regulation 16(3)

Citation : (2006) 08 DEL CK 0041

Hon'ble Judges : Manju Goel, J

Bench : Single Bench

Advocate : H.K. Puri, for the Appellant; B. Devashekhar, for the Respondent

Final Decision : Dismissed

Judgement

Manju Goel, J.—This writ petition challenges the order of termination of the petitioner from the services of respondent No. 1. The petitioner joined the respondent Bank as a Probationary Officer in the Junior Management Grade Scale-I pursuant to an appointment letter dated 29.12.1998. He joined the services of the Bank on 15.3.1999 and was placed under probation for a period of two years w.e.f. 15.3.1999, his probation period was extended by three months. His services were terminated on 11.6.2001. The grounds of challenge are (i) the order of termination was not passed by a competent authority; (2) the order of termination was not communicated to the petitioner; (3) the order of termination was, in fact, a punishment and it was bad because the same had been passed without any enquiry; and (4) the termination came while the probation was still subsisting.

2. So far as the competence of the authority terminating his services is concerned, suffice it to say that the respondent has shown the record of the petitioner's service which shows that the order of termination has been passed by the General Manager, who, undoubtedly, is the competent authority for terminating his service. Only the formal order of termination is signed by the Deputy General Manager. The copy of the termination order on record shows that

it was the competent authority who passed the order in exercise of powers conferred under Regulation 16(3)(a) of the Canara Bank (Officers") Service Regulations, 1979 and in terms of the appointment letter. The mere fact that the formal order is signed by the Deputy General Manager does not affect the validity of the order in any way.

3. The communication of the order of termination is proved Annexure P-6. The petitioner refused to accept the order and hence the same was put up in the notice board. Copy of the order along with a draft of Rs. 11,126.84 paise was sent to the petitioner by post. This takes care of the second ground taken by the petitioner.

4. So far as the allegation that the termination was, in fact, a punishment is concerned, also there is no merit. The termination order narrates how the probation period was extended and how the petitioner had been advised to improve his performance. The order says that there was no improvement in his work performance despite extension of probation. The termination follows this observation. No misconduct of any kind has been alleged in this order of termination. This is a termination of service implicate within the contract of probation. Hence, the same cannot be held to be bad as being a punishment without an enquiry.

5. The final submission of the petitioner is that while the probation period was still subsisting, the order of termination should not have been issued. It is contended on behalf of the petitioner that the probation had been extended up to 15.6.2001 whereas the termination order was passed on 11.6.2001 and, Therefore, it is bad. The termination order refers to the appointment letter. The appointment letter, copy of which is filed by the petitioner, says in para-13 that the services of the petitioner can be terminated during the probation period. Paragraph 13 is as under:

13. Notwithstanding what is stated in para 12 above, the Bank may terminate his/her services at any time during the probationary period without assigning any reasons by giving him/her one month's notice in writing or by paying him one month's salary and emoluments in lieu of notice.

6. Thus, the termination has been made in terms of the letter of appointment and the terms of probation. The same, Therefore, cannot be said to be bad for any reason.

7. In view of the above, the petition is dismissed.