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C.A.No. 1280 OF 2001
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Item No.104 COURT No. 3 SEC.IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL No.1280/2001 @@
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Shailaja Shivajirao Patil Appellant (s)

VERSUS

Presidednt,Hon.Khasdar UGS Sanstha & Ors. Respondent(s)

(With appln. for interim relief)

Date : 17.01.2002 This appeal was called on for hearing today.@@
AA

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE R.P. SETHI

For Appellant (s) Mr. M.N. Shroff,Adv.

For Respondent (s) Mr. U.U. Lalit,Adv.

For State Mr. S.V.Deshpande,Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J.
.SP2

The appeal is dismissed.

.SP1

(Y.P.Dhamija) (V.P.Tyagi)@@
AA
Court Master Court Master@@
AAAAA

Signed order is placed on the file.

been passed without holding an enquiry and finding the appellant guilty of any charges. He further contended that in accordance with the rules the appellant was at least entitled to notice before termination, and no notice having been given, the order of termination is bad in law. We do not find any force in either of the contentions raised. The order of appointment itself unequivocally indicated the tenure of appointment, and that the appointment could be terminated at any time without notice. The question whether

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an order of termination of a probationer/ or temporary employee could be held stigmatic came up for consideration before a Bench of this Court, one of us (Pattanaik, J.) was a party since reported in JT 2001 (9) SC 420. In that case also, an enquiry had been held prior to the order of termination. On examining the entire gamut of case law right from Dhingra's case, the Court came to the conclusion that a mere holding of an enquiry does not ipso-facto make the order of termination penal in nature, once the employer wishes not to continue the enquiry in exercise of his right in accordance with the terms of appointment. The Court held that the enquiry held prior to the order of termination cannot turn otherwise innocuous order into one of punishment. An employer is entitled to satisfy itself as to the competence of a probationer to be confirmed in service and for this purpose satisfy itself fairly as to the truth of any allegation that may have been made about the concerned employee. Bearing in mind the decision of this Court in the aforesaid case, and on examining the facts and circumstances together with the impugned order of termination, we see no justification for our interference with the impugned order, as in our view the impugned order cannot be held to be stigmatic in any way. This appeal accordingly fails and is dismissed.

.SP1

.....J.
(G.B. PATTANAIAK)

New Delhi,
January 17, 2002

.....J.
(R.P. SETHI)