

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 28282 OF 2025 (S-CAT)

BETWEEN:

P ALWIN CHACKO S/O P.M. CHACKO
AGED ABOUT 33 YEARS
R/AT NO.133, VINAYAKANAGAR,
6TH MAIN B, KATTIGENAHALLI,
YELAHANKA AIR FORCE,
BANGALORE-560064.

...PETITIONER

(BY SRI. HEMANTH S., ADV.)

AND:

1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY
TO GOVERNMENT
MINISTRY OF HEALTH AND FAMILY WELFARE,
NIRMAN BHAWAN,
NEW DELHI-110011.
2. SECRETARY
DEPARTMENT OF HEALTH RESEARCH
AND DIRECTOR GENERAL,
INDIAN COUNCIL OF MEDICAL RESEARCH,
V. RAMALINGASWAMI BHAWAN,
ANSARI NAGAR,
NEW DELHI-110029.
3. THE DIRECTOR, ICMR
NATIONAL INSTITUTE OF OCCUPATIONAL HEALTH,
DEPARTMENT OF HEALTH RESEARCH,
MEGHANINAGAR,
AHMEDABAD - 580016.

Digitally signed by
NANJUNDACHARI
Location: High
Court of Karnataka

4. THE OFFICER-IN-CHARGE
REGIONAL OCCUPATIONAL HEALTH CENTRE
(SOUTHERN),
NIRMAL BHAVAN COMPLEX,
POOJANAHALLI ROAD, OFF NH-7,
DEVANAHALLI TALUK,
KANNA MANGALA POST,
BANGALORE – 562110.

...RESPONDENTS

(BY SRI. ARAVIND KAMATH, ASG A/W
SMT. ANUPAMA HEGDE, CGC)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A. CALL FOR THE RECORDS LEADING TO AND CULMINATING IN THE IMPUGNED FINAL ORDER DATED 11.03.2024 PASSED BY THE CENTRAL ADMINISTRATIVE TRIBUNAL, BENGALURU BENCH IN OA NO.170/00063/2023; B. ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION, QUASHING THE IMPUGNED FINAL ORDER DATED 11.03.2024 PASSED BY THE CENTRAL ADMINISTRATIVE TRIBUNAL, BENGALURU BENCH IN O.A. NO. 170/00063/2023 (ANNEXURE-A) AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON **29.06.2026** COMING ON THIS DAY, **S.G.PANDIT J.**, PRONOUNCED THE FOLLOWING

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The petitioner, unsuccessful applicant before the Central Administrative Tribunal, Bengaluru Bench, Bengaluru (for short "CAT") is before this Court, questioning the order dated 11.03.2024 in O.A.Nos.170/00063/2023, whereunder petitioner's challenge to the impugned discharge order bearing

No.P/1/7/16/2022-23/2016 dated 02.02.2023

(Annexure-A1) is rejected.

2. The brief facts of the case are:

Respondent No.3/ICMR-National Institute of Occupational Health, (for short "Institute") by notification dated 21.08.2018 invited applications to fill up various posts including that of Office Assistant. The petitioner being eligible, applied for the post of Office Assistant and the petitioner was successful in written examination and skill test. The petitioner was selected to the post of Office Assistant and by memorandum of appointment dated 26.04.2019 (Annexure-A5) appointed as Office Assistant in the respondent-Institute. The memorandum of appointment would clearly indicates that the appointment is temporary but, likely to continue; that the appointee will be on probation for a period of 2 years from the date of joining duty; the probation period can be extended at the discretion of the competent authority. The other condition was that the appointment can be terminated at any time by giving one month's notice on either side. However, on the complaint with regard to selection process of petitioner

and others, the Institute initially ordered fact finding preliminary enquiry and thereafter a detailed departmental enquiry against one Dr.Kamlesh Sarkar, the then Director; Sri.Jitendra Arora, the then Section Officer and Sri.P.M.Ckacko, the then Private Secretary to Director who is also the father of the petitioner herein. After a detailed enquiry, penalty was imposed on the then Director, Section Officer as well as Private Secretary to Director i.e., Sri.P.M.Chacko, as it was found that they are responsible for irregularity in selection process. The respondent-authorities thereafter took a decision to discharge the petitioner and another person since they were under probation and their services were not confirmed as it was found that they were the beneficiaries of irregular selection process. Accordingly, by order dated 02.02.2023, the services of the petitioner was discharged with immediate effect and by order dated 06.02.2023 (Annexure-A3), the petitioner was relieved from his duties. Questioning the order of discharge, the petitioner was before the CAT in the abovestated O.A. and the CAT under impugned order dismissed the O.A. holding that in the

facts and circumstances, discharging a person who is still under probation and not confirmed does not seem to be inappropriate. Questioning the said order of the CAT as well as order of discharge, the petitioner is before this Court in this writ petition.

3. Heard Sri.Hemanth S., learned counsel for the petitioner as well as Sri.Arvind Kamath, ASG along with Smt.Anupama Hegde, CGC for the respondents. Perused the entire writ petition papers including the Xerox copy of the original records made available by learned CGC.

4. Learned counsel for the petitioner would submit that the impugned order of discharge is violative of principles of natural justice and it is punitive in nature. Learned counsel would submit that no notice whatsoever was issued before discharging the petitioner. Further, learned counsel for the petitioner would submit that the irregularities were found in the recruitment process, but for no fault of the petitioner, the petitioner has been penalized. It is submitted that the petitioner has no role to play in the selection process and in that circumstances,

at least a notice was necessary. Though, order of discharge would not indicate any reason, the statement of objections of the respondents make it clear that discharge is for the fact that there was irregularity in the selection process in which, the petitioner was selected and appointed. For the reason that there is irregularity in the selection process, the petitioner could not have been discharged. Even if on the said irregularity, the respondents intended to discharge, then opportunity ought to have been provided to the petitioner to defend his case. Learned counsel for the petitioner would submit that the impugned order of discharge is arbitrary, unreasonable and violative of Articles 14 and 16 of the Constitution of India. Learned counsel would further submit that similarly situated other candidates who have also been selected and appointed in the said recruitment process have been continued. Learned counsel for the petitioner places reliance on the decision of the Hon'ble Apex Court in **MADAN GOPAL v/s STATE OF PUNJAB** reported in **AIR 1963 SC 531; JAGADISH MITTER v/s UNION OF INDIA** reported in **AIR 1964 SC 449; SRI. RAMESH**

MALLI v/s THE DEPUTY INSPECTOR GENERAL OF POLICE (WIRELESS), POLICE DEPARTMENT AND ANOTHER reported in ***ILR 2022 KAR 2023; UNION OF INDIA AND OTHERS v/s MAHAVEER C SINGHVI*** reported in ***SLP (C) No.27702/2008***.

5. On the other hand, learned ASG for respondents would support the order passed by the CAT and further submits that the service of the petitioner was not confirmed, as such, the petitioner was discharged by order of discharge simplicitor. Learned ASG would further submit that no allegation whatsoever is made against the petitioner and taking us through the impugned order of discharge, it is submitted that the order is discharge simplicitor, as such, no interference is required. Further, learned ASG would submit that no enquiry was held against the petitioner and enquiry was held against the other officials in respect of the irregularity committed by them in the recruitment process under which, the petitioner was appointed as Office Assistant. As there was no allegation of misconduct against the petitioner as there was no investigation or enquiry against the petitioner, the

petitioner cannot have any grievance. Further it is submitted that as the petitioner was on probation and as his services were not confirmed, the petitioner has no vested right to seek continuation and it is open for the respondent-authorities to discharge him from service. Further, learned ASG would submit that the contention of the petitioner that the order of discharge attaches stigma is baseless and it is submitted that the order of discharge is not a stigmatic order as it would not contain any allegation or imputation against the petitioner. Further, it is contended that, to pass an order of discharge simplicitor, no notice is required to be issued and it would not amount to violation of principles of natural justice. It is also submitted that merely because the petitioner has rendered satisfactory service would not entitle him to continue in service. Thus, he would pray for dismissal of the writ petition.

6. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the only point which falls for our consideration is as to whether the

impugned order passed by the CAT as well as impugned order of discharge warrant interference?

7. The petitioner was appointed provisionally as Office Assistant by memorandum dated 26.04.2019 (Annexure-A5). The conditions of appointment make it clear that the appointment is temporary, but likely to continue and the appointee will be on probation for a period of 2 years from the date of joining duty. The probation period can be extended at the discretion of the competent authority. During the probation period, the services of an employee can be terminated at any time without giving any notice or without assigning any reasons. It is an admitted fact that the service of the petitioner was not confirmed and he continued on probation. The Office Memorandum dated 11.03.2019 (Annexure-F) which was produced by respondent-authorities along with additional reply filed before the CAT is Master Circular on Probation/Confirmation in Central Services Rules, 2020 (for short "2020 Rules") provides for termination/discharge of a probationer. In the instant case, Annexure-A1, order dated 02.02.2023 is an order of

discharge. On perusal of the discharge order it is seen that it only states that the petitioner who is under probation is discharged from the services of the Council with immediate effect. The order of discharge would not contain any allegation or would not allege any misconduct nor would it use any stigmatic word. On going through the impugned order of discharge, it could be certainly said that the order of discharge is not a stigmatic order and it is an order of discharge simplicitor.

8. Learned counsel for the petitioner contended that there was enquiry against the petitioner and without passing any order on enquiry, the order of discharge is passed. However, statement of objections filed by respondents and the learned ASG during the course of hearing has made it clear that enquiry was against three Officers, i.e., the then Director, the then Section Officer and Private Secretary to Director, alleging that they have committed irregularity in the selection process of Office Assistants and not against petitioner. The petitioner is also one of the beneficiaries of the irregularity in selection process. When the respondent-authorities found that

three officers against whom enquiry was conducted had committed irregularity, punishment was imposed on them. As contended by the learned counsel for the petitioner that the order of discharge is not a punitive order as it would not contain any allegation of misconduct and the same is an order of discharge simplicitor.

9. As contended by the learned counsel for the petitioner that no notice was issued before passing the order of discharge, notice is not required to be issued before passing the order of discharge simplicitor. If the order contains any allegation or misconduct, then it is open for the petitioner to contend that notice was necessary, so as to explain the same.

10. The petitioner has placed reliance on the decision of **MADAN GOPAL** (supra) as well as **JAGADISH MITTER** (supra). Those decisions would not come to the aid of the petitioner in any way and those decisions were rendered in the facts of that particular case. In **MADAN GOPAL** case, the order of discharge was passed for receiving illegal gratification whereas in **JAGADISH MITTER** case, the order of discharge used stigmatic word. In **RAMESH**

MALL case, the co-ordinate bench of this Court taking note of the fact that the order of discharge contained stigmatic words, interfered with the order of discharge.

11. The CAT under impugned order considered each and every ground raised by the petitioner and has come to the conclusion that the petitioner was under probation and not confirmed in service, as such, found that the order of discharge is appropriate. There is no reason to interfere with the impugned order passed by the CAT as well as impugned order of discharge.

12. For the reasons recorded above, we do not find any merit in the writ petition and accordingly the writ petition stands ***rejected***.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(RAJESH RAI K)
JUDGE**