

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

**WRIT PETITION NO.2398 OF 2001**

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| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
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Mr.G.K.Naik Thigle, Addl. Govt. Pleader for the Petitioner.

Mr.S.B.Bhapkar and Mr.C.R.Bharaswadkar, advocates for the Respondent.

**CORAM : S.V.GANGAPURWALA &  
A.I.S.CHEEMA, JJ.**

**Date : 30.03.2015.**

**PER COURT :**

1. Heard.

2. Mr.Thigle, learned Addl. Govt. Pleader submits that the petitioner was terminated in the year 1985. The petitioner was appointed in the year 1980 on probation. His probation was not completed. The petitioner did not confirm the Respondent in service. The Tribunal could not have held that it is a case of deemed confirmation in service. According to learned Addl. Govt. Pleader, the Tribunal committed an error in considering the Respondent to be a deemed confirmed employee. It is for the petitioner to assess the service of the Respondent and then to confirm him in service. As the Respondent was on probation,

Departmental Inquiry is not required to be conducted before taking action.

3. We have considered the submissions. With the passage of time, the Respondent has attained the age of superannuation. The order of the Tribunal was not stayed by this Court. Moreover, it is not disputed that the Respondent was appointed in the year 1980 and he continued in service till the year 1985. The Tribunal has discussed the Government Resolution dated 15.3.1969, the Circular dated 12.4.1972, wherein it is laid down that the probation period should not be extended beyond one year after the initial period of one year. As the Respondent was continued for five years, the Respondent was continued as deemed confirmed employee. The order of termination was without conducting the Departmental Inquiry.

4. The order of the Tribunal is passed on sound reasons. No case for interference is made out. The Writ Petition is disposed of. Rule discharged. No costs.

**( A . I . S . CHEEMA , J . )**

**( S . V . GANGAPURWALA , J . )**

Dt..30.03.2015.  
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