

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.M. No.2552 of 2015 in/and
C.W.P. No.18420 of 2014
Date of Decision : 18.03.2015**

Krishan Kumar

..... Petitioner

versus

District and Sessions Judge, Rohtak

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.S. Mor, Advocate
for the applicant-petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

C.M. NO.2552 OF 2015

For the reasons recorded, the application is allowed.

Documents (Annexures P-9 and P-10) are taken on record.

C.W.P. NO.18420 OF 2014

By this petition the petitioner has challenged the order dated 16.05.2014 whereby his services have been terminated during probation.

The petitioner joined the office of the District and Sessions Judge, Rohtak as Peon on 17.04.2012. His first Annual Confidential Report (ACR) is as under:-

“Qualification - Below Average
Responsibility for discipline - Below Average
Honesty and loyalty - Below Average
Punctuality and Regularity - Below Average
Discharge of Duty - Below Average
Whether you want to keep him with you - No
Default, if any - Disobedient, discourteous, unreliable and a liability to the system.
Whether the employee during his duty satisfactorily - No
Whether employee remains on Head Office during vacation or after office time - No
Signature and date of Reporting Officer - Sd/-
Classification - Below Average”

The petitioner moved a representation against the said ACR which was rejected by the competent authority. Thereafter, the following order was passed on 16.05.2014:-

“The report as well the service record including ACRs of the official have been examined. Since his work and conduct during probation period is unsatisfactory as reported by the officers with whom he remained posted during the last two years, in terms of his appointment, his services are hereby terminated with immediate effect being probationer. All concerned be informed accordingly.”

Learned counsel has argued that the impugned order is a stigmatic order in so much as it has been mentioned that his work and conduct was unsatisfactory and in the circumstances he could have been removed only after the regular inquiry.

I am afraid this contention is misconceived. The sine-qua-non for removing the person during probation is that his work and conduct is not satisfactory. If this basic fact is not recorded the order would be liable to be

set aside on the ground that the mandatory condition has not been met.

Resultantly, by recording these words it cannot be said that a stigmatic order has been passed.

Consequently, the petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 18, 2015

ashish

**(AJAY TEWARI)
JUDGE**