

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 556 of 2016**

- Abhinay Shukla S/o S. B. Shukla, Aged About 31 Years R/o Near Family Planning Office, Seepat Road Sarkanda, P S Bilaspur, District Bilaspur (Chhattisgarh)

---- Appellant/petitioner**Versus**

1. Chhattisgarh State Civil Supplies Corporation Limited Through Its Chairman, Hitavada Parisar, Avanti Vihar Colony, Head Quarter Raipur, District Raipur (Chhattisgarh)
2. The Managing Director, Chhattisgarh State Civil Supplies Corporation Ltd., Hitavada Parisar, Avanti Vihar Colony, Head Quarter Raipur, District Raipur (Chhattisgarh)
3. The District Manager, Chhattisgarh State Civil Supplies Corporation Ltd., Sarangarh Road, Near Kabir Chowk, P O Raigarh Head Post Office Raigarh, District Raigarh (Chhattisgarh)

---- Respondents

For Appellant	:	Shri Mateen Siddiqui, Advocate.
For Respondents	:	Shri V.R.Tiwari, Advocate

Hon'ble The Chief Justice
Hon'ble Shri Justice Sanjay Agrawal

Order On Board**06/12/2016****Per Deepak Gupta, C.J.**

1. Heard on I.A.No. 01/2016, application for condonation of delay in filing the appeal.
2. For the reasons stated in the application, the same is allowed and the delay in filing the appeal is allowed.
3. By this appeal, the appellant has challenged the judgment dated

16.08.2016 passed by the learned Single Judge. The learned Single Judge by the same judgment decided 17 writ petitions. He divided the writ petitions into 3 groups.

4. Briefly stated facts of the cases are that the Chhattisgarh State Civil Supplies Corporation Limited (hereinafter called as 'Corporation') issued an advertisement on 30.7.2012 inviting applications for filling up 15 posts of Assistant Manager in the Corporation in which reservation for women was indicated only in the general category but was not indicated in the reserved categories like Scheduled Castes, Scheduled Tribes and Other Backward Classes. A large number of candidates applied for the said posts and 15 persons were selected. They were offered letter of appointment and all joined in the month of November, 2012. Thereafter, a complaint was made by one Shri V.K.Das that these appointments were illegal as they were made without sanction or approval of the Government.

5. Out of the 14 candidates so appointed, services of 4 candidates were terminated during the period of probation on the ground that their services were not satisfactory. The appellant is one of such persons. The services of 10 other employees were terminated on the ground that the reservation roster had not been followed and that the procedure prescribed for filling up the post by direct recruitment after considering the suitability of the Officers eligible for promotion, had not been followed. All these persons filed 14 writ petitions challenging their termination. In the meantime, 3 persons in the feeder cadre category of promotion also filed writ petitions claiming promotions. The learned Single Judge dismissed the 14 writ petitions filed by the persons, who had been appointed and disposed of 3 writ petitions filed by in-service departmental candidates.

6. Thereafter, 13 writ appeals were filed by those Officers whose services

had been terminated on the ground that proper procedure was not followed while making recruitments and also by the in-service Officers, who claimed promotions. We had disposed of all these writ appeals vide judgment dated 09.11.2016 and held that the services of the 10 employees had wrongly been terminated and they were ordered to be reinstated in service. The writ appeals filed by Group-C employees, i.e., the in-service candidates were disposed of. No appeal had been filed till that stage by any of the four persons whose services have been terminated during probation and whose writ petitions had been dismissed by the learned Single Judge.

7. As far as this part of the judgment of the learned Single Judge is concerned, we find no error in the same. It is for the employer to decide whether the work of the employee during the period of probation is satisfactory or not. The order by which services have been terminated is not a stigmatic order. Therefore, the learned Single Judge was justified in dismissing the writ petitions.

8. We, therefore, find no merit in this appeal, which is accordingly dismissed.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(Sanjay Agrawal)
Judge