

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

**Civil Writ Petition No. 4325 of 2014 (O&M)
Date of Decision: 11.11.2016**

Rakesh Raj Palta

..... Petitioner

Versus

Punjab Agro Industries Corporation Limited
and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Padamkant Dwivedi, Advocate
for the petitioner.

Mr. Anupam Singla, Advocate
for the respondents.

JASWANT SINGH, J. (ORAL)

Petitioner-Rakesh Raj Palta was promoted as Senior Manager (Accounts) vide order dated 24.07.2012 (**Annexure P-2**) by the Punjab Agro Industries Corporation Limited (for short 'the Corporation'). The petitioner has challenged the order dated 21.01.2014 (**Annexure P-21**), whereby he has been demoted/reverted to the post of Manager (Accounts) due to his work being unsatisfactory during the probation period.

Learned counsel for the petitioner has argued that vide promotion order dated 21.01.2014 (**P-2**), the petitioner was put on probation for a period of one year, and, therefore, after the expiry of one year, he could not be reverted back without holding any disciplinary inquiry with regard to unsatisfactory work and his conduct. It is further contended that the

order dated 05.12.2013 (**Annexure R-1**) passed by the respondents-Corporation, extending the probation period of the petitioner for six months w.e.f. 25.07.2013 is an afterthought so as to support the impugned order dated 21.01.2014 (**P-2**).

On the other hand, learned counsel for the respondents states that as per Rule 11 (Clause-ii) of the Recruitment and Promotion Rules, Punjab Agro Industries Corporation Ltd., probation period of the petitioner in the first instance was to be for one year, which could be extended to another one year. Therefore, it cannot be accepted that on expiry of one year, probation period of the petitioner automatically stood completed. It is next contended that the respondents-Corporation is well within its right to pass the order dated 05.12.2013 (**R-1**), extending the probation period of the petitioner for six months, and thereafter keeping in view the unsatisfactory work and conduct of the petitioner, demoted/reverted him to the lower post.

After hearing learned counsel for the petitioner, it is apparent that the present petition is devoid of any merit. The aforesaid provisions of the cited Rule are not disputed by the counsel for petitioner. Therefore, the case being set up by the petitioner that there was an automatic completion of the probation period stands repelled. Merely because the order for extending the probation period has been passed after expiry of some time, would not render the order *mala fide* and hence illegal.

It is further to be noticed that the petitioner is facing many charge-sheets and one of the same has resulted into passing of his dismissal order dated 05.08.2014 (**Annexure R-3**) alongwith recovery of

embezzlement amount of ₹ 41,76,546/- (Forty One Lac Seventy Six Thousand Five Hundred Forty Six only).

In view of the above, no case for interference is made out, accordingly, the present petition stands dismissed.

November 11, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes
Whether Reportable	No