

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.159 of 2013 (O&M)

Date of Decision:-18.07.2017.

Sandeep Kumar

.....Petitioner

Versus

Life Insurance Corporation of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Narinder Singh, Advocate for
Mr. Vinod S. Bhardwaj, Advocate for the petitioner.

Mr. Nitin Thatai, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has assailed the order of termination dated 15.5.2012 (Annexure P-10).

Petitioner was appointed as a Probationary Development Officer on 14.5.2011 and he joined his services on 15.5.2011. During his probation period, respondents have assessed the petitioner's duties and come to the conclusion that petitioner's performance was not found satisfactory. Consequently, respondents proceeded to terminate the services of the petitioner on 15.5.2012. Hence, petitioner aggrieved by the order of termination dated 15.5.2012 (Annexure P-10) filed the present petition.

Learned counsel for the petitioner submitted that respondents required to discharge the petitioner from probation as per clause 2 of the order of appointment dated 14.5.2011 and not terminating service of the petitioner. Therefore, order of termination dated 15.5.2012 is liable to be set aside. It was further submitted that Annexure P-10, order of termination

is contrary to clause 2 of the appointment order. While quashing the order of termination, matter be referred to the respondents to pass a fresh order.

Per contra learned counsel for the respondents submitted that mere using the word termination that does not vitiate the order dated 15.5.2012 for the reasons that petitioner was under probation. At the best it could be read as discharge from service instead of termination.

Heard learned counsel for the parties.

Short question for consideration in the present petition is whether Annexure P-10 dated 15.5.2012 to the extent of terminating petitioner's service for non performance of his duty is correct or not having regard to the clause 2 of the order of appointment. No doubt it is true that probationer can be discharged from service if his work is not satisfactory and not termination. The reasons assigned in the order of termination dated 15.5.2012 is crystal clear that petitioner while he was on probation, his performance was not found satisfactory. Instead of discharging service, order of termination has been passed. Therefore, order of termination from service be read as order of discharge.

With the above observations, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

July 18, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.