

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

LPA No.1117 of 2017 (O&M)

Date of Decision : 30.08.2017

Rakesh Raj Palta

....Appellant

Versus

Punjab Agro Industries Corporation
Limited and another

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

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

...

MAHESH GROVER, J. (Oral)

The appellant is in appeal against the judgment of the
learned Single Judge dated 11.11.2016.

The appellant was promoted as Senior Manager
(Accounts) vide order dated 24.07.2012 and was
demoted/reverted to the post of Manager(Accounts) as his work
and conduct was found unsatisfactory.

On the promoted post the appellant was initially
placed on probation for a period of one year. This period was
extended by an order passed belatedly extending the period of
probation for another six months but keeping in view his
unsatisfactory work and conduct he was reverted to the lower
post. By virtue of order Annexure P-21 he was demoted/reverted

from the post of Senior Manager (Accounts) and posted as Manager(Accounts) which order he impugned before the writ court. The learned Single Judge declined interference on the ground that the promoted post carried a condition for probation initially for a period of one year extendable by another year which right was exercised by the employer though belatedly and finding no rule of automatic confirmation he dismissed the writ petition.

Before us learned counsel for the appellant contends that the order is stigmatic and once the period of one year of probation expired with no further extension, it should be construed that he stood confirmed on the said post.

After hearing the learned counsel for the appellant, we are of the opinion that no interference is warranted. The appellant, who was promoted now stands reverted to his original post for the reason which has been mentioned in the order impugned (Annexure P-21) in writ petition i.e. absence from duty and inappropriate conduct and before passing this order the official respondents did issue a show cause notice to the appellant and considered his stand in this regard. Therefore, once the basic principles of natural justice stand complied with, the official respondents were very well within their right to demote/revert the appellant to his original post.

Apart from this, the appeal is also barred by an inordinate delay of 101 days which we do not intend to condone in the absence of any plausible explanation.

Dismissed.

(MAHESH GROVER)
JUDGE

30.08.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No