

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.11 of 2019

In
Civil Writ Jurisdiction Case No.9139 of 1999

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Satya Narayan, Son of Sri Beni Prasad R/V- Gaurahar, P.O. - Rampur, P.S. Saini, Distt. Allahabad U.P., "Keshambi"

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Govt. Of India, Lodipur, New Delhi
2. The Director General of Central Industrial Security Force, new Delhi.
3. The Inspector General, Central Industrial Security Force, Eastern Sector, Head Quator, 19 Telegraph Colony, Kidwaipuri, Patna-1
4. The Deputy Inspector General of Central Industrial Security Force, Eastern Zone, Headquarter, 19 Telegraph Colony, Kidwaipuri, Patna-1
5. The Group Commandant, Central Industrial Security Force, Group headquarters, baily Road, jalalpur, P .O. Danapur Cantt., Patna-503, at present Kurji, Balupar, Patna-10
6. The officer-In-Charge, Central Industrial Security Force Unit, F.C.I., FSD, Mokamah, Distt. Patna (Bihar)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarendra Kumar Pathak, Advocate
For the Respondent/s : Mr. S.D Sanjay Addl. Soc. Gen.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 18-02-2021

Heard the parties.

Aggrieved by the judgment and order dated 26.11.2018 passed in C.W.J.C. No.9139 of 1999 passed by learned Single Judge of this Court dismissing the writ petition, the appellant has preferred this appeal.

Briefly stated the facts of the case is that appellant was



appointed in C.I.S.F. on 10.8.1993 and was posted at CISF Unit, (FCI), Mokama, under the administrative control of CISF group, Headquarter, Patna. Appellant had undergone basic training at CISF, Nisa, Hyderabad for the period 16.9.1993 to 29.4.1994 where he was declared fail in Paper II.

Appellant was on probation for a period of two years with condition that in the event he being found unsuitable for retention in the force, his services would be liable to be terminated in accordance with provision made under Rule 19 of CISF Rules, 1969 and clause 2(a) of Form of agreement under Rule 15 of CISF Rules, 1969.

Probation period of appellant was extended by 6 months and again for 6 months and, thereafter, for 1 year. Appellant was also awarded a major punishment during probation period of reduction of his pay to minimum stage for a period of one year for his remaining absent without leave for 142 days. His services were terminated by DIG, Headquarters, Patna w.e.f. 9.8.1997 as his probationary period was found unsatisfactory.

Learned counsel for the appellant relies upon a judgment of Hon'ble Apex Court rendered in case of **S.V.P. Ahuja Vs. State of Punjab and others** since reported in **2000**



AIR SCW 792 and another judgment dated 28.01.2020 of Hon'ble Supreme Court in Civil Appeal No.777 of 2020 arising out of SLP(C) No.28507/2018 (**Dr. Vijayakumaran C.P.V. Versus Central University of Kerala & Ors.**)

Petitioner has been terminated from service during probation period not on ground of any allegation of misconduct or by way of punishment but for the reason that he was not found suitable for the job for which he was selected. Even after extending the period of probation, no improvement was noticed in his performance, as such, in accordance with Rules and terms of agreement, his services were dispensed with which is neither punitive nor stigmatic.

This Court does not find any error or infirmity in the order passed by learned Single Judge and, accordingly, this LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

