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

CWP-28100-2023

Date of Decision: 14.12.2023

Prabhjot Kaur

. . . . Petitioner

Vs.

State of Punjab and another

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Nitin Kaushal, Advocate,
for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this writ petition has claimed that she should be considered to have joined on the post w.e.f. 20.02.2020 i.e. the date when other candidates were treated to have joined. The petitioner was issued joining order on 06.05.2021 and she thereafter joined on the post, her probation period would thus end on 06.05.2023, considering that the probation period is for two years.
2. Learned counsel submits that the petitioner's probation should be treated to have ended as on 19.02.2022 and accordingly, her regular pay should be granted w.e.f. 19.02.2022.
3. Learned counsel further submits that the petitioner was unable to join earlier on account of pregnancy, and her services were sought to be terminated as she did not participate in the induction training programme by issuing a show cause notice on 12.03.2020. She filed writ petition No.22614-2020 which was decided on 04.01.2021 by this

Court directing the respondents to take a decision on the reply filed to the show cause notice by the petitioner. Thereafter, the Director, Education Department passed an order on 05.05.2021 allowing the petitioner to join within seven days, and her explanation for not joining the induction training programme was accepted.

4. I have considered the submissions.
5. A person, who is recruited in service, is required to necessarily complete two years' probation period. The probation period would commence only from the date he or she joins the services. With regard to completion of probation period, there can be no notional probation period. It is so, as the performance of the concerned person who is appointed, is to be examined during the probation period. During the probation, if the performance is not satisfactory, services can also be dispensed with. It is for this purpose that two years' probation period is provided. If notional probation is allowed, a person's performance would not be examined and he or she would get away and be treated as regularly appointed, even though his or her performance may not be satisfactory for the initial periods.
6. Keeping in view thereto, the claim of the petitioner for treating her probation period to have ended on the day when others, who joined in February, 2020, cannot be accepted and the same is rejected.
7. It is also noticed that the petitioner accepted the order passed by the Department dated 05.05.2021 and did not put up the claim at that time to be treated as notionally appointed from the day when others had joined.

8. In view thereof, the claim of the petitioner for being given notional joining from 20.02.2020 after she had completed her probation is belated and an afterthought. Even otherwise, in view of the aforesaid, the same cannot be allowed.
9. Writ Petition is devoid of merits and is accordingly *dismissed*.

(SANJEEV PRAKASH SHARMA)
JUDGE

December 14, 2023

Mohit goyal

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| 1. <i>Whether speaking/reasoned?</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable?</i> | <i>Yes/No</i> |