



In the High Court of Punjab and Haryana at Chandigarh

(219)

CWP No.18194 of 1999(O&M)

Date of Decision: 23.07.2024

Joga Singh and others

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vipin Mahajan, Advocate for the petitioners.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioners is that vide order dated 14.06.1999 (Annexure P-7), the petitioners were given the confirmation on the post of Forest Guard as 06.03.1977, which benefit has wrongly been withdrawn by the respondent vide order dated 20.09.1999, copy of which has been appended as Annexure P-9.

2. Learned counsel for the petitioners argued that the petitioners were initially appointed on ad-hoc basis starting from September, 1972 onwards till January, 1973, thereafter, the posts for regular basis were advertised and the petitioners competed for the same and ultimately were selected by the competent authority on regular basis on 06.03.1977. Upon regular appointment, the petitioners were put on probation and according to the Rules governing the service, maximum period of probation is three years. Learned counsel submits that probation of the petitioners was cleared



and in the year 1985 they were confirmed. Thereafter, the respondents, passed an order on 14.06.1999 (Annexure P-7) confirming the petitioners w.e.f. 06.03.1977 but withdrew the same order by passing impugned order dated 20.09.1999 (Annexure P-9) which is arbitrary and illegal.

3. Upon notice of motion, the respondents have filed the reply, wherein they have stated that once the regular appointment of the petitioners is on 06.03.1977 and after the regular appointment, an employee has to be on a probation for a minimum period for one year, the petitioners could not have been confirmed on the date of their regular appointment i.e. 06.03.1977, which mistake was rectified vide impugned order (Annexure P-9) dated 20.09.1999, and therefore, no grievance can be raised by the petitioners.

4. I have heard learned counsel for the parties and have gone through the records with their able assistance.

5. It is a conceded fact that the petitioners were regularly selected on the post of Forest Guard through regular process on 06.03.1977. It is also a conceded position that as per the rules governing the service, minimum period of probation for a direct recruit is one year, which can be extended upto the period of three years. It is only upon completion of probation, an employee is to be considered for confirmation and as per the petitioners, they were confirmed in the year 1985. That being the position, once the petitioners were already confirmed in the service since year 1985, therefore, by order dated 14.06.1999 (Annexure P-7) they were wrongly been confirmed from the date of their regular appointment i.e. 06.03.1977. An



employee cannot be confirmed on the date of regular employment as she has to undergo probation for a minimum period of one year. Hence, the incorrect order dated 14.06.1999 (Annexure P-7) was withdrawn vide order dated 20.09.1999 (Annexure P-9), which act on the part of the respondent cannot be treated as arbitrary or illegal. Rather a mistake occurred while confirming the petitioners from the date of the initial regular appointment has been rectified, hence, no ground for interference by this Court in the impugned order is made out and the present petition is accordingly dismissed.

6. Pending miscellaneous application, if any, also stands disposed of.

JULY 23, 2024
d.gulati

(HARSIMRAN SINGH SETHI)
JUDGE

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