

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1224 OF 2026

Amit Kumar & Ors.

.. Petitioners

Vs.

Union of India & Ors.

.. Respondents

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**WITH
WRIT PETITION NO. 1629 OF 2026
(Not On Board)**

M. S. Gaurav Rathore & Ors.

.. Petitioners

Vs.

Union of India & Ors.

.. Respondents

...

Mr. Rahul Walia a/w Mr. Puneet Phatak, Advocates for the Petitioners in WP/1224/2026.

Mr. Abhijeet A. Desai a/w Karan Gajra, Sanchita Sontakke, Mohini Rehpade, Vijay Singh, Deepash, Daksha Purghera, Dyaneshwar Kale, Advocates for the Petitioners in WP/1629/2026.

Mr. R. R. Shetty, Senior Advocate with Priyanka Kumar, Advocates for Respondents in both WPs.

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**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 3rd FEBRUARY 2026.

P.C. :

These writ petitions have been filed to challenge the interim order dated 16th January 2026 passed by the Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur (in short, Tribunal) in Original Application No. 24 of 2026.

2. The Tribunal in its order dated 16th January 2026 adverted to the rival submissions and held as under: -

“5. From the record, it *prima facie* appears that the appointment orders of the applicants clearly disclose the clause of one year probation and which is extendable. Although it is true that vide communication dated 30.10.2025 (page 316), the Director (Admn. and HR) recorded that the services of the applicants require for confirmation of probation period but fact remains that there is no such confirmation order has been brought on record. In fact, the applicants themselves are claiming that in view of the aforesaid letter dated 30.10.2025 and the effect that the period of one year is already expired and no order for extension of probation period has been issued by the competent authority and, therefore, their service may be treated to be deemed confirmed.

6. Further, at the one hand, the applicants are claiming that the impugned termination is contrary to the principles of natural justice while on the other hand the respondent Nos.2 & 3 have contended that since the Regulation 6(3) of Regulation 2007 has been invoked and, therefore, there was no necessity to assign any reason or provide any opportunity of hearing.

7. In the aforesaid circumstances, whether the impugned action/orders of the respondents are contrary to the principles of natural justice and whether the applicants' services can be said to be confirmed on the principles of deemed confirmation, all these questions can only be decided after getting the reply from the respondents on merits. Further, since the termination orders dated 07.01.2026 have already taken its effect as stated in the impugned orders with immediate effect, therefore, granting any interim relief would be in the nature of final relief and in fact would be directing to maintain status quo ante which is not permissible in view of the observations of the Hon'ble Supreme Court in case of **Afshan Khan (supra)** and **Prem Chand Premi (supra)**.

8. Under these circumstances, no ground is made out for grant of any interim relief. Hence, it is rejected.”

3. The petitioners have stated that pursuant to the advertisement dated 1st September 2023 for appointment of 12 persons to the post of Assistant Director-I in Pay Matrix Level-09, they were selected for the Computer Based Test and Personal Interviews. The posts were reserved for the OBC category and the final list of selected candidates was published on 7th October 2024. The petitioners tendered joining

between 14th October 2024 and 10th January 2025 and completed the period of one year in October 2025. There has never been any complaint against them and a provisional *inter-se* seniority list was also issued acknowledging their regular appointment status. However, on 7th January 2026, they were terminated from service on the ground that a decision was taken by the Khadi and Village Industries Commission in its 716th meeting held on 6th January 2026 to terminate their services with immediate effect under Regulation 6(3) of the Khadi and Village Industries Commission (Regulations), 2007. It is contended that the Notice of Cancellation dated 7th January 2026 was issued by the respondent-authority on the vague ground of serious infirmities in the recruitment process.

4. The learned counsels appearing for the petitioners submit that the order of termination dated 7th January 2026 has been issued without any notice or show-cause to the petitioners. A copy of the vigilance inquiry report which is said to be the reason for terminating the services of the petitioners has not been served upon them. The order of termination of the petitioners shall have serious civil consequences and irreparable loss and injury shall be caused to them inasmuch as they are required to vacate their official accommodations, a process for recruitment may commence, new incumbents may be appointed and thereby third party right shall be created. This is also a submission made on behalf of the petitioners that the petitioners have completed one year on 8th October 2025, and thus, completed the period of probation.

5. In the first place, this is pertinent to indicate that a government employee continues on probation till the time he is confirmed in service and merely on completion of the initial period of probation, the government employee is not automatically confirmed in service. In the

service jurisprudence, there is no concept of irreparable loss and injury because in appropriate cases the aggrieved party may be suitably compensated in terms of money. Whether the termination order dated 7th January 2026 can sustain the scrutiny in law on the alleged ground of violation of natural justice is an issue which shall be decided in the pending Original Application and any reflection on this issue may cause serious prejudice to the parties.

6. We do not find any substance in these writ petitions which are, accordingly, dismissed. However, we record the statement made by Mr. R. R. Shetty, the learned senior counsel appearing for the respondent-Khadi and Village Industries Commission that the respondents shall not oppose early hearing of the Original Application, may be within a period of eight weeks henceforth.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]