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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

AND

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

WP No. 44728 of 2026 And
W.M.P.Nos.50231 and 50234 of 2026

CNR: {HCMA012251612026}

Case QR

1. Union of India
   Represented by the Adjutant General,
   Integrated Headquarters of Ministry of Defence
   (Army),
   Additional Directorate General MP/MP-8 (I of
   R)
   Adjutant Generals Branch, West Block-Ill, R.K.
   Puram, New Delhi - 110 066.

2. The Officer- in- Charge Records
   The Madras Regiment,
   Wellington (Nilgiris) 643231

3. The Commanding Officer
   Records The Madras Regiment,
   Wellington (Nilgiris) 643231

..Petitioner(s)

Vs

Gopika Gopan
W/o. Amal Krishna,
Multi-Tasking Staff (MTS),
No. 339/A, Jayanthi Nagar, Black Bridge,
Wellington (Nilgiris),
Tamil Nadu - 643 231

..Respondent(s)

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ

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of Certiorari, calling for the records relating to the order dated 21 July 2025 passed in O.A.No.310/00388/2021 on the file of the Hon'ble Central Administrative Tribunal, Chennai Bench and quash the same.

For Petitioner(s): Mr.V.Balasubramanian
Senior Panel Counsel

For Respondent(s):

ORDER

(Order of the Court was made by M.Dhandapani J.)

This writ petition has been filed seeking issuance of Writ of Certiorari, calling for the records relating to the order dated 21 July 2025 passed in O.A.No.310/00388/2021 on the file of the Central Administrative Tribunal, Chennai Bench and quash the same.

2.The learned Senior Panel Counsel appearing for the petitioners submitted that the respondent was appointed as Multi Tasking Staff at Records, The Madras Regiment, Wellington (Nilgiris) vide appointment order dated 29.09.2016. The appointment was expressly temporary, was subject to probation period of two years and expressly stipulated that during probation her services were liable to be terminated without assigning any reason. Upon scrutiny of the service documents and annual performance appraisal reports, the

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Board found the respondent unsuitable for confirmation and recommended that her probation be extended by one year and the same was communicated to the respondent on 28.09.2018 well before the expiry of her initial probation. Since the respondent did not establish her suitability during the extended probation, vide order dated 23.09.2019, her probationary employment was terminated with effect from 24.09.2019. Aggrieved by the same, the respondent approached the Central Administrative Tribunal, Chennai Bench and the Tribunal allowed the O.A. and directed the petitioners to put back the respondent on duty with immediate effect with consequential retiral benefits and observed that no salary shall be paid to the respondent during the period from her termination till her reinstatement and aggrieved by the same, the petitioners have filed this writ petition.

3.The learned Senior Panel Counsel appearing for the petitioners further submitted that a person is appointed on probation in order to assess his/her suitability for absorption in the service to which he/she has been appointed. The appointing authority may declare successful completion or extend the period of probation or terminate the services of a temporary employee on probation on the basis of evaluation of performance. He further submitted that during the extended probation period, the respondent applied for six days medical leave from 29.07.2019 to 03.08.2019 on 29.07.2019 and since the certificate produced

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by the respondent did not conform to Rule 19 of the Central Civil Services (Leave) Rules, 1972, the leave sought for by the respondent was refused, however, the respondent absented herself. On 02.08.2019, the Duty Junior Commissioned Officer, accompanied by a civilian employee was deputed to her residence to ascertain her condition and it was found that she had already left the station three days earlier for her home town in Kerala. Thereby, her services was terminated, however, the Central Administrative Tribunal, without considering the above aspects, directed the petitioners to put the respondent back on duty, which is not sustainable one. In support of his contentions, the learned Senior Panel Counsel relied upon the decision of the Hon'ble Apex Court reported in *(2002) 1 SCC 520 [Pavanendra Narayan Verma Vs. Sanjay Gandhi PGI of Medical Sciences and another]*.

4.Heard the learned Senior Panel Counsel appearing for the petitioners. Since this Court is not inclined to pass any adverse order as against the respondent, notice to the respondent is dispensed with.

5.Admittedly, the respondent was appointed as Multi Tasking Staff at Records, The Madras Regiment, Wellington (Nilgiris) vide appointment order dated 29.09.2016. Since the respondent's service was not satisfactory during the probation period, her probation was extended by one year. It is alleged that

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during the extended probation period, without obtaining necessary permission, she went to her home town in Kerala. If such allegation is made, the petitioners ought to have initiated disciplinary proceedings before passing the termination order, however, the petitioners without conducting any enquiry, straight away passed the termination order. The termination order is captive punishment for civil service. Thereby, the Tribunal rightly set aside the termination order on the ground that order of termination is not termination simplicitor it is by way of punishment, which is impermissible one. Hence, the impugned order warrants no interference.

6.The decision relied upon by the learned Senior Panel Counsel appearing for the petitioners is not applicable to the present case on hand since in the said decision, order of termination was passed after conducting enquiry, whereas, in the present case, no enquiry was conducted by the petitioners before passing the order of termination, which is clear violation of principles of natural justice.

7.This writ petition is dismissed. The petitioners are directed to reinstate the respondent with immediate effect with consequential retiral benefits. However, no salary shall be paid to the respondent during the period from her termination till her reinstatement. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. The

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petitioners are granted liberty to initiate disciplinary proceedings as against the respondent, conduct enquiry, provide opportunity to the respondent and thereafter pass appropriate orders, if so aggrieved. No costs. Consequently, connected miscellaneous petitions are closed.

(M.D.I.,J.) (A.D.M.C.,J.)
04-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

The Central Administrative Tribunal,
Chennai Bench.

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