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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. No. 4092 of 2006

PETITIONER

Tarendra Singh Atri, aged 43 years, S/o
Shri B.P. Singh, Food Inspector, Food
Office, Durg, Tahsil and Distt. - Durg

Versus

Respondents

- 1 The State Govt. of Chhattisgarh,
Through - The Secretary, Food, Civil
Supply and Consumer Protection
Department Ministry, D.K.S. Bhavan,
Raipur (C.G.)
- 2 Gitesh Mishra, aged 43 years, Food
Inspector, Mahasamund (C.G.)
- 3 Director, Food, Civil Supply and
Consumer Protection Department,
Raipur (C.G.)

**WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA**

Appearance:

Shri Somkant Verma, counsel for the petitioner.

Shri Pradeep Singh, Panel Lawyer for the
State/respondents No. 1 & 3 on advance copy.

ORAL ORDER
(31.10.2007)

Sunil Kumar Sinha, J.

Heard on admission.

The petitioner, who is working on the post of Food Inspector, has prayed for payment of increments from the date as has been given to respondent No.2 and to place him above respondent No.2 in the seniority list. He has also prayed to refix the pay and make payment of arrears and consequential benefit with interest @ 18% per annum.

The brief facts are that the petitioner was appointed on the post of Food Inspector by order dated 22.12.1988 (Annexure-P/6). It was a condition in the order that the petitioner shall be on probation and the period of probation shall continue for two years or to the period as extended by the Director. Since the work of the petitioner was not found satisfactory, the probation period was extended for one more year and then, after evaluation of service after the said period,



the probation period was terminated and he was regularized on the said post and a certificate was issued under Sub-Rule (6) of Rule 8 of M.P. Civil Service (General Conditions of Service) Rule 1961 and the order to this effect was passed vide Annexure-P/2 on 15.6.93. The petitioner was aggrieved with the said order of the Director, therefore, he filed a representation before the Government and the Government after consideration of the representation regarding extension of period of probation, dismissed the same by passing the following order on 8.3.2006 :

“तत्कालीन संचालक, खाद्य, नागरिक आपूर्ति एवं उपभोक्ता संरक्षण मध्यप्रदेश शासन, भोपाल द्वारा आपकी परीवीक्षा अवधि में की गई वृद्धि के संबंध में राज्य शासन द्वारा आपकी ओर से प्राप्त अभ्यावेदन पर विचार किया गया तथा परीवीक्षाधीन अवधि बढ़ाए जाने संबंधी अभिलेख का अवलोकन किया । अभिलेख के अवलोकन से स्पष्ट है कि तत्कालीन संचालक, खाद्य द्वारा परीवीक्षा अवधि समाप्ति हेतु गठित कमेटी द्वारा बनाए गए मापदण्ड अनुसार आपके दो वर्ष के गापनीय प्रतिवेदन तथा आपकी दो वर्ष की परीवीक्षा अवधि के कार्य का आकलन उपयुक्त स्तर का नहीं पाया जाने के आधार पर आपकी परीवीक्षा अवधि बढ़ाए जाने के संबंध में जो निर्णय लिया गया था, विचारोपरांत राज्य शासन उसमें हस्तक्षेप करना उचित नहीं समझता । अतः आपके द्वारा प्रस्तुत अभ्यावेदन अमान्य किया जाता है ।”

It is after this, the present petition has been filed.

Learned counsel for the petitioner argues that the extension of the period was without any basis, therefore, the representation filed by the petitioner would have been allowed and ultimately only the period of two years should have been treated as period of probation.

I have considered the argument raised by the learned counsel for the petitioner. Certainly, the appointment order itself contains a condition that initially period of probation would be two years, which shall be subjected to further



extension by the Director. It is under this condition, the appointment of the petitioner was on probation and as stated in the order dated 8.3.2006, after following necessary norms framed by the Committee for the same and after going through the confidential reports of the petitioner for two years and further after consideration of the service rendered by the petitioner during the period of probation, it was decided to extend the probation period and then only the period was extended for one year. Admittedly the powers were vested with the concerned authority to evaluate the work of the petitioner in probation period and if the competent authority was satisfied about requirement of the extension of period of probation for one year, particularly in light of the conditions of appointment order and has exercised such discretion, it can not be said to be illegal or malafide. It appears that the reasonable steps have been taken in accordance with the conditions of appointment order and the representation was also disposed of in reasonable manner.

I do not find any reason to interfere with mode adopted by the Government. The petition is liable to be dismissed and it is accordingly dismissed.

Sd/-
Sunil Kumar Sinha
Judge