

**(1997) 05 AHC CK 0213**

**Allahabad High Court**

**Case No:** C.M.W.P. No. 4928 of 1991

Adalat Singh Yadav

APPELLANT

Vs

Life Insurance Corporation of  
India and Others

RESPONDENT

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**Date of Decision:** May 1, 1997

**Acts Referred:**

- Constitution of India, 1950 - Article 226

**Hon'ble Judges:** R.K. Singh, J; D.S. Sinha, J

**Bench:** Division Bench

**Advocate:** R.N. Singh and Ajay Yadav, for the Appellant; R.G. Padia, for the Respondent

**Final Decision:** Allowed

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### **Judgement**

D.S. Sinha, J.

Heard Sri R.N. Singh, learned senior Advocate appearing for the Petitioner and Dr. R. G. Padia, learned senior Advocate appearing for the Respondents.

2. Sri Adalat Singh Yadav, an erstwhile Probationary Development Officer of the Life Insurance Corporation of India, seeks to challenge the order of the Senior Divisional Manager (L.I.C), the Respondent No. 2, dated 23rd of January, 1991 whereby his services were terminated forthwith. A copy of this order is to be found as Annexure II to the writ petition.

3. A perusal of the impugned order indicates that the Petitioner was on probation and that his services were terminated in terms of condition No. 2 which forms part of the appointment letter dated 22nd of February, 1989 whereby the Petitioner was appointed as Probationary Officer on probation. The condition No. 2 empowers the Corporation to discharge from its services an employee who is on probation without any notice and without any cause being assigned. The impugned order has been passed in exercise of this power.

4. The Petitioner having accepted appointment on the term and conditions, including the condition No. 2. is stopped from challenging the action of the Corporation based on the condition No. 2. Otherwise also, now it is firmly settled that a probationer has no right to hold a post (see; [Unit Trust of India and Others Vs. T. Bijaya Kumar and Another](#), .

5. In view of the condition No. 2 of the appointment letter which the Petitioner agreed with eyes wide open and the settled position that being on probation he had no right to hold the post, in the opinion of the Court, the impugned order is not liable to be interfered with by this Court in exercise of special and extraordinary jurisdiction under Article 226 of the Constitution of India.

6. In the result, the petition fails and is dismissed summarily.