

Adalat Singh Yadav Vs Life Insurance Corporation of India and Others

Court: Allahabad High Court

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

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.