

## **Tarsem Lal Verma Vs Union of India (UOI) and Others**

**Court:** Supreme Court of India

**Date of Decision:** Feb. 10, 1997

**Citation:** (1999) 5 SCALE 114 : (1997) 4 SCALE 1 : (1997) 9 SCC 609

**Hon'ble Judges:** A. M. Ahmadii, C.J; S. Saghir Ahmad, J; B. N. Kirpal, J

**Bench:** Full Bench

**Final Decision:** Dismissed

### **Judgement**

@JUDGMENTTAG-ORDER

1. We have heard the petitioner in person and the learned ASG for the Union of India. The main contention urged by the petitioner is that his

probation period was wrongly enhanced beyond the period of two years fixed under the Rules. Admittedly, he was occupying the post of

Photographic Officer. According to the Ministry of Defence, Armed Forces Film and Photo Division (Photographic Officer) Recruitment Rules,

1982 (hereinafter called "the Rules") the probation period was fixed at two years without any maximum having been prescribed. Therefore, when

the probation of two years expired the petitioner's probation was not terminated as his work and conduct were not found to be satisfactory and in

order to give him an opportunity to improve his performance it was extended beyond the period of two years, according to the petitioner, by an

additional 550 days. The petitioner tried to place reliance on the Armed Forces Headquarters Civil Service Rules, 1968 and in particular Rule

13(3) which provides that the total period of probation can be extended not beyond one year. According to him, therefore, when one year beyond

the period of two years expired he became automatically confirmed in the job. But these rules do not apply to him because he is governed by the

1982 Rules which we have referred to earlier. Reference was also made by the petitioner to an Office Memorandum dated 7/10/1970 but since

the 1982 Rules clearly superseded the earlier rules any instructions issued on the basis of the earlier rules can have no application. That is why the

tribunal in para 12 of the impugned order states that there was no stipulation in the relevant recruitment rules fixing the maximum period of

probation at two years. It further notices that the petitioner was allowed to continue in service even after the expiry of the probation period of two

years to enable him to show improvement. That being so, we do not see any infirmity in the order of the tribunal. That is being the only point urged

before us, we see no merit in this petition and dismiss the same. court Masters