

(1997) 02 SC CK 0207

Supreme Court of India

Case No: Slp (C) No. 10609 Of 1996

Tarsem Lal Verma

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

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 Reference was also made by the petitioner to an Office Memorandum dated 7/10/1970 but since the 1982 Rules clearly superseded the earlier rules any instructions issued on the basis of the earlier rules can have no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