(2014) 09 AP CK 0035

Andhra Pradesh High Court

Case No: Writ Appeal No. 1171 of 2014

Andhra Pradesh Transmission Corporation		APPELLANT
	Vs	
S.V.S. Bhavanarayana		RESPONDENT

Date of Decision: Sept. 19, 2014

Citation: (2015) 1 ALD 17 : (2015) 3 ALT 639

Hon'ble Judges: L.N. Reddy, J; Challa Kodanda Ram, J

Bench: Division Bench

Advocate: P. Lakshma Reddy, SC, Advocate for the Appellant; S. Ravindranath, Advocate for the Respondent

Judgement

L. Narasimha Reddy, J.

The 1st respondent was initially appointed as Helper on 31-03-1982 in the Bhimavaram Division of the then Andhra Pradesh State Electricity Board (for short, "the Board"). He was promoted as Assistant Lineman in 1984 and thereafter as LDC in 1986. By exercising option given by the Board, he sought transfer to the head quarters at Hyderabad. Accordingly, he was transferred as LDC on 01-06-1993. Naturally, he was placed immediately below the junior most LDC in the unit to which he was transferred.

2. After the 1st respondent was transferred to the head quarters at Hyderabad, the unit head at Bhimavaram i.e., the 2nd respondent herein issued proceedings dated 23-03-1994 directing that the probation of the 1st respondent in the post of LDC would commence from 09-10-1986. Through another communication dated 13-07-1995, he stated that the 1st respondent has successfully completed the probation on 27-10-1988. However, through a memo dated 18-09-1996, the 2nd respondent cancelled the proceedings through which the probation of the 1st respondent was declared.

3. The 1st respondent filed Writ Petition No. 21639 of 1996 challenging the memo dated 18-09-1996. The writ petition was allowed and the memo impugned therein was set

aside. The appellants and the 2nd respondent who came into existence on account of re-organisation of the Board were directed to follow the procedure by putting the 1st respondent on notice. Thereafter, the appellants issued a notice informing the 1st respondent that his probation can be treated as having begun in 1997 and completed on 08-03-1998. Aggrieved by that, the 1st respondent filed a representation on 22-10-2007 and when there was no proper response to it, he filed Writ Petition No. 24549 of 2007. He pleaded that when he was promoted way back in the year 1986, the question of declaring his probation one decade thereafter does not arise. The appellants filed a counter affidavit opposing the writ petition. The learned single Judge allowed the writ petition through order dated 24-01-2014. Hence, this writ appeal.

4. Heard Sri P. Lakshma Reddy, learned counsel for the appellants and Sri S. Ravindranath, learned counsel for the 1st respondent.

5. Whenever an employee is regularly appointed to a post either through direct recruitment or by way of promotion or through other similar modes, the first step which the organisation takes is to put the employee on probation in the concerned post. As a matter of fact, the service rules or regulations, as the case may be, mandate that on being appointed or promoted regularly, the employee shall be on probation for a specified period, and if his performance is found to be not satisfactory in that period, may be extended by further period. The question of deferring the commencement of probation of an employee who is regularly promoted does not arise. The deferment if at all is the date of declaration on completion of probation, but not that of commencement. In fact, the regulations framed by the Board which were adopted by the appellants clearly provide for this also. In case, the employee is continued in the post for a period exceeding the one stipulated for probation, he shall be deemed to have completed the probation successfully.

6. In the instant case, the promotion of the 1st respondent to the post of LDC was in the year 1986. He is deemed to have been kept under probation. Even when he is transferred to one of the units before the period of probation has expired, no break as such in the period of probation occurs. None of the authorities have bestowed their attention to the question of probation in the year 1986. It was only after the 1st respondent was transferred to the head quarters at Hyderabad in the year 1993, that the unit head at Bhimavaram who did not have any control over the 1st respondent by that time, issued proceedings in the year 1994. As though what he did is not sufficient, he not only declared the probation but also has withdrawn it at a later point of time. The whole exercise was superfluous. The very purpose of placing an employee on probation is to observe his performance. This exercise which is to be undertaken at the threshold cannot be relegated to a subsequent stage even on a notional basis.

7. We do not find any merit in the writ appeal. It is accordingly dismissed. There shall be no order as to costs.

8. The miscellaneous petitions pending in this appeal shall also stand disposed of. There shall be no order as to costs.