

Union of India and Others

Vs

Chander Pal

Civil Appeal No. 193 of 1987

(K. N. Singh, A. P. Sen JJ)

20.01.1987

ORDER

1. Special leave granted. Arguments heard.

2. We find no infirmity in the judgment of the Central Administrative Tribunal except for an error in directing that the date of confirmation of the respondents should be January 1, 1970 i.e. the date on which he completed his period of probation as a Constable in the Central Bureau of Investigation. The Tribunal was justified in quashing the impugned order dated February 14, 1983 directing his confirmation which arbitrarily fixed his date of confirmation as November 6, 1979 without any rational basis. The Tribunal proceeded on an erroneous basis in adopting January 1, 1970 to be the date upon the wrongful impression that the effect of reinstatement of the respondent on September 21, 1972 was to bring about continuity of service. Although the respondent had completed his period of probation on January 1, 1970, his services came to be terminated on November 23, 1971. On his representation, the government directed his reinstatement on compassionate grounds on condition that the period between the date of termination and the date of reinstatement would not be treated as duty for any purpose. Subsequently, on further representation by the respondent the government by order dated September 5, 1974 condoned the break in his service for the purpose of declaring him quasi-permanent w.e.f. January 1, 1971. In modification of the direction made by the Tribunal we direct that the respondent is entitled to be confirmed w.e.f. January 1, 1971, the date on which the Central Government made a declaration of his being a quasi-permanent employee, and his seniority be refixed accordingly, and he would also be entitled to all consequential benefits. This however shall not act to the prejudice of persons junior to the respondent who may have already been promoted to higher posts.

3. Subject to this modification, the appeal fails and is dismissed. We hope and trust that the Central Government will implement the order of the Central Administrative Tribunal as expeditiously as possible and in any event, not later than four months from today. No costs.

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