IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 3515 of 2026.
Reserved on: 12.08.2026.
Decided on: 31st August, 2026.

Gagandeep Singh ...**Petitioner.**

Versus

State Bank of India & Ors. ....**Respondents.**

Coram:

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?[1] *Yes*

For the Petitioner: Mr. Ankush Dass Sood, Senior Advocate with M/s Satish Sharma, Aman Parth Sharma and Rishabh Negi, Advocates.

For the respondents: Mr. Arvind Sharma, Senior Advocate with M/s Kiran Sharma and Digvijay Singh Thakur, Advocates.

Ajay Mohan Goel, Judge (Oral).

By way of present petition, the petitioner has, inter alia, prayed for following reliefs:-

> *i) That writ of certiorari may kindly be granted and impugned termination order dated 22.01.2026 and 10.01.2026 may kindly be quashed and set aside in the interest of justice and fair play.*
>
> *ii) That respondents may kindly be directed to continue the services of the petitioner and confirm the same without taking*

[1] Whether reporters of the local papers may be allowed to see the judgment?

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into account pendency of the criminal case, with all consequential benefits including back wages."

2. Facts necessary for the adjudication of this petition are that in terms of appointment letter Annexure P-2 dated 23.07.2025, the petitioner was appointed against the post of Junior Associate (CS & S) in the clerical cadre in the respondent bank in the pay scale of Rs. 24,050 – 64,480/-. The services of the petitioner were to be governed by the provisions contained in the Sastry and Desai Awards, as amended from time to time, by industry or bank-level settlements etc. The petitioner, pursuant to the said appointment, joined as such at Hamirpur.

3. An FIR was registered against the petitioner under Section 21 of the Narcotic Drugs and Psychotropic Substances Act ("NDPS Act") in Police Station Sadar, Hamipur, i.e. FIR No. 331 of 2025 on 06.12.2025. At the relevant time, the petitioner was in the service of the respondent bank. He was arrested in the said FIR and released on bail vide order dated 20.01.2026 passed by learned Special Judge, Hamirpur, copy whereof is appended with the petition as Annexure P-3.

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4. Another FIR was lodged against the petitioner, again under the provisions of the NDPS Act in Police Station Sadar, Hamirpur, i.e. FIR No. 329 of 2025 dated 05.12.2025, in which, he was released on bail by the learned Special Judge, Hamirpur on 23.01.2026.

5. The grievance of the petitioner originates from Annexure P-4, order dated 22.01.2026, in terms whereof, the services of the petitioner have been terminated by assigning the following reasons:-

> "As per the terms and conditions of appointment, confirmation of service was subject to:
>
> a. Receipt of satisfactory report about your character and antecedents from police authorities.
>
> b. Overall suitability for the position to the satisfaction of bank.
>
> c. Satisfactory completion of mandatory e-lession.
>
> In this regard, the Character and Antecedent Verification Report received from the Superintendent of Police, Hamirpur has been found unsatisfactory. As per the report of SHO, Police Station Hamirpur, the following FIRs have been registered against the employee and are presently under investigation:
>
> I. FIR No. 329/2025 dated 05.12.2025, registered under Sections 21 and 29 of the NDPS Act; and
>
> II. FIR No. 331/2025 dated 06.12.2025, registered under Section 21 of the NDPS Act.

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> Further, the Probationary employee was arrested by the police and remained in custody for 43 days. The above circumstance has led to the loss of trust & integrity of the employee which is paramount in banking services.
>
> The report on work and conduct of the employee submitted by the Branch Manager has also been found unsatisfactory."

6. Feeling aggrieved, the petitioner has approached this Court.

7. Learned Senior Counsel for the petitioner argued that the impugned order, in terms whereof, the services of the petitioner stand terminated, is not sustainable in law. He submitted that in terms of the impugned order, the services of the petitioner have been terminated by mentioning therein that the confirmation of the petitioner in the bank was subject to the receipt of a satisfactory report about his character and antecedents from police authorities and overall suitability for the position to the satisfaction of the bank and as in this regard, the character and antecedent verification report received from the Superintendent of Police demonstrated that there were two FIRs registered against the petitioner in the Police Station at Hamirpur. Therefore, as the petitioner failed to meet the laid-down benchmark for confirmation as Junior Associate,

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his services could not be confirmed and stood terminated as he was on probation. He submitted that though an employer has the discretion to do away with the services of an incumbent on probation if the services of said incumbent are not found satisfactory, however, it is settled law that the services of an incumbent cannot be done away with during the period of probation by passing a stigmatic order.

8. Learned Senior Counsel further submitted that the impugned order is not a simplicitor order of termination of services on the ground that the services of the petitioner were not found satisfactory. He submitted that in the impugned order, it is expressly and explicitly mentioned that it was the lodging of the two FIRs against the petitioner, which led to the termination of the services of the petitioner during the period of probation. He submitted that as this demonstrated that the termination of the petitioner was stigmatic, his services could not have been terminated without holding an inquiry and without associating the petitioner with the same. Learned Senior Counsel referred to the judgment of the Hon'ble Supreme Court in ***Sarita Chaudhary vs. High Court of***

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Madhya Pradesh and another, (2025) 9 SCC 297, to substantiate his contentions.

9. On the other hand, learned Senior Counsel for the respondent bank argued that there is no merit in the petition. He submitted that after appointment of the petitioner, he was on probation for a period of six months and his confirmation was subject to the satisfaction of the bank regarding his character and antecedents. He submitted that it came to the notice of the Competent Authority that two FIRs were registered against the petitioner under the provisions of the NDPS Act. The petitioner was also arrested in the said FIRs and he remained in custody and, therefore, his services were terminated in accordance with Clause (l) of the letter of appointment, copy whereof is appended with the reply as Annexure R-1. He submitted that the order of termination was neither stigmatic nor punitive and there was no violation of the principles of natural justice, as the services of the petitioner were terminated in terms of the conditions of the letter of appointment during the period of probation and there was no requirement of issuance of any show cause notice or holding an inquiry in the said

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circumstances. Learned Senior Counsel for the respondent-Bank has relied upon the judgments of the Hon'ble Supreme Court of India in ***Kamal Nayan Mishra vs. State of Madhya Pradesh & Ors, (2010) 2 SCC 169*** and ***Kendriya Vidyalaya Sangathan & Others vs. Ram Ratan Yadav, (2003) 3 SCC 437*** in support of his contentions.

10. I have heard learned Senior Counsel for the parties and have also carefully gone through the pleadings as also the judgments relied upon by the learned Senior Counsel.

11. Before the Court proceeds any further, this Court would like to refer to the terms and conditions of the appointment letter, copy whereof is appended with the reply as Annexure R-1. In terms of Annexure R-1, the petitioner was appointed as a Junior Associate (CS & S).

12. Clause (c) of the letter of appointment dated 23.07.2025 reads as under:

> *"(c) You will be on probation for a period of six months with effect from the effective date of joining. Prescribed number of e-lessions are required to be successfully completed by you during the probation period. Failing which, your probation period will be extended and/or your service can be terminated."*

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In terms of Clause (c) of the letter of appointment, the petitioner was on probation for a period of six months with effect from the date of effective joining. Clause (d) of the appointment letter mentioned that during the period of probation, the performance of the petitioner would be evaluated and the bank will be entitled to extend the period of probation, if his work was not found satisfactory during the said period. It was also mentioned in this clause that the confirmation was also subject to receipt of satisfactory report about the character and antecedents from the police authorities and from the referees named by the petitioner. Clause (f) of the appointment letter provided that the bank was entitled to terminate the services of the petitioner during the period of probation by giving one month's notice or on payment of one month's pay and allowances in lieu of the notice.

13. Clause (l) of the appointment letter is quoted hereinbelow:-

> *"(l) Should you be considered by the Bank at the end of the probationary period as suitable for the position and you have to the satisfaction of the Bank, complied with all the terms and conditions stipulated in this letter, and if the reports of the*

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> *concerned, References/Police/District Authorities regarding your character and antecedents are found satisfactory, your appointment may then be confirmed by the Bank. Otherwise it will be terminated without assigning any reasons whatsoever. On confirmation you will be entitled to draw salary and allowances as applicable to you and subject to the provisions of various Awards as amended by Bipartite Agreements between the Bank and the Employee's Union/Federation from time to time."*

Thus, in terms of this clause, the bank was to consider the petitioner at the end of the probationary period, subject to the conditions mentioned therein, for confirmation.

14. In the present case, the petitioner was appointed vide letter dated 23.07.2025 and his services have been terminated vide Annexure P-4, i.e. letter dated 22.01.2026. Therefore, it is evident that the termination of the services of the petitioner is of course during the period of probation.

15. At this stage, I would refer to the judgments relied upon by the learned counsel for the parties in support of their respective contentions.

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16. Learned Senior Counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court in ***Sarita Chaudhary vs. High Court of Madhya Pradesh and another*** *(supra).* In the said judgment, the Hon'ble Supreme Court, on the issue of termination of a probationer, has been pleased to hold as under by referring to the earlier pronouncements of the Hon'ble Supreme Court on the issue:

> *"50. The services of a probationer could result either in a confirmation in the post or ended by way of termination simpliciter. However, if a probationer is terminated from service owing to a misconduct as a punishment, the termination would cause a stigma on him. If a probationer is unsuitable for a job and has been terminated then such a case is non-stigmatic as it is a termination simpliciter. Thus, the performance of a probationer has to be considered in order to ascertain whether it has been satisfactory or unsatisfactory. If the performance of a probationer has been unsatisfactory, he is liable to be terminated by the employer without conducting any inquiry. No right of hearing is also reserved with the probationer and hence, there would be no violation of principles of natural justice in such a case.*
>
> *51. In Parshotam Lal Dhingra (1957 SCC OnLine SC 5), this Court held that the protection of Article 311 also covers a probationer if the termination was by way of a punishment and "it puts delible stigma on the officer affecting his future career".*

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To a similar effect is the ruling of this Court in the case of State of Bihar vs. Gopi Kishore Prasad, AIR 1960 SC 689. In the said case, it was observed that if the employer simply terminates the services of a probationer without holding an inquiry and without giving him a reasonable chance of showing cause against his removal from service, the probationary civil servant has no cause of action even though the real motive behind the removal from service may have been that the employer thought him to be unsuitable for the post he was temporarily holding, on account of his misconduct, or efficiency or some such cause. Thus, the test is, whether, in a given case the termination is simpliciter or by way of punishment. When termination is by way of punishment, the concept of stigma would arise. If a punishment casts a stigma on the competence of an employee, it can affect his future career. However, the dilemma is, even when the probationer, who has no right to hold the post in the first instance, could argue that a cessation of service owing to non-suitability, inefficiency or any other similar reason was stigmatic.

52. As noted, if a termination from service is not visited with any stigma and neither are there any civil consequences and nor is founded on misconduct, then, it would be a case of termination simpliciter. On the other hand, an assessment of remarks pertaining to the discharge of duties during the probationary period even without a finding of misconduct and termination on the basis of such remarks or assessment will be by way of punishment because such remarks or assessment would be stigmatic. According to the dictionary meaning, stigma is indicative of a blemish, disgrace indicating a deviation

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from a norm. Stigma might be inferred from the references quoted in the termination order although the order itself might not contain anything offensive. Where there is a discharge from service after prescribed probation period was completed and the discharge order contain allegations against a probationer and surrounding circumstances also showed that discharge was not based solely on the assessment of the employee's work and conduct during probation, the termination was held to be stigmatic and punitive vide Jaswantsingh Pratapsingh Jadeja vs. Rajkot Municipal Corporation, (2007) 10 SCC 71.

53. Even though a probationer has no right to hold a post, it would not imply that the mandate of Articles 14 and 16 of the Constitution could be violated inasmuch as there cannot be any arbitrary or discriminatory discharge or an absence of application of mind in the matter of assessment of performance and consideration of relevant materials. Thus, in deciding whether, in a given case, a termination was by way of punishment or not, the courts have to look into the substance of the matter and not the form.

54. In Samsher Singh vs. State of Punjab, AIR 1974 SC 2192, a seven-Judge Bench of this Court held that if a probationer was discharged on the ground of misconduct or inefficiency or for similar reasons without a proper inquiry it might, in a given case, amount to inflicting the punishment of removal from services within the meaning of Article 311(2) of the Constitution. In the very same case, it was also observed as a test for determining whether, the termination was by way of punishment, namely, whether, the termination was sought to be

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founded on misconduct, negligence, inefficiency or other disqualification. Thus, if a termination is founded on misconduct, it would be a punishment but de hors this, if the right to terminate existed, the motive operating in the mind of the employer would be wholly irrelevant. However, all that is stated above would ultimately boil down to the question, whether, the termination would prejudicially affect the future employment of the employee. It is this delicate line which has to be discerned in every case where a challenge to a termination is made by a probationer. In other words, if the termination is simply owing to unsuitability having regard to the nature of the job and such other factors, it is not stigmatic. Before any probationer is considered for confirmation, the satisfactory nature of the work and suitability of the probationer have to be considered for which some inquiry would have to be made and if it is found that he is unsuitable for the job then, he could be discharged and the same would be non-stigmatic and this would also not call for opportunity for hearing being given to a probationer.

55. The relevant case law could be discussed at this stage:

56. In Anoop Jaiswal v. Union of India, (1984)2 SCC 369), the facts were that the impugned order of discharge was passed in the middle of the probation period after seeking an explanation regarding the alleged act of indiscipline. Similar explanations were called from persons other than the appellant therein, but in the end only the case of the appellant was dealt with severely. This Court observed that even though the order of discharge was non-committal, it could not stand alone. It was observed

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that though the noting in the file of the Government may have been irrelevant, the cause of the order of discharge could not have been ignored. That the recommendation, which was the basis or the foundation for the order of discharge should have been read with the order for the purpose of determining its true character. If on reading the two together the court reached the conclusion that the alleged act of misconduct was the cause of the order and but for that allegation it could not have been passed, then it was inevitable that the order of discharge should fall to the ground. This was because the appellant therein had not been afforded a reasonable opportunity to defend himself as provided in Article 311(2) of the Constitution.

56.1 While holding so, this Court held in paragraph 12 as under: (Anup Jaswal, SCC p. 379)

> *"12. It is, therefore, now well settled that where the form of the order is merely a camouflage for an order of dismissal for misconduct it is always open to the court before which the order is challenged to go behind the form and ascertain the true character of the order. If the court holds that the order though in the form is merely a determination of employment is in reality a cloak for an order of punishment, the court would not be debarred, merely because of the form of the order, in giving effect to the rights conferred by law upon the employee."*

56.2. Consequently, in the aforesaid case, after discussing the facts of the case in detail, this Court set aside the order of discharge/termination of service on the ground that an inquiry ought to have been held against the appellant therein prior to

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termination of service. As a result, the appellant therein was reinstated in service at the same rank and seniority in which he was entitled to before the order the discharge was passed, as if it had not been passed at all, with all consequential benefits.

57. In Dipti Prakash Banerjee (1999)3 SCC 60, this Court inter alia, considered the following points:

> *"18……(1) In what circumstances, termination of a probationer's services can be said to be founded on misconduct and in what circumstances could it be said that allegations were only a motive?*
>
> *2) When can an order of termination of a probationer be said to contain an express stigma?*
>
> *(3) Can stigma be gathered by referring back to proceedings referred to in termination order?"*

57.1 Each of the aforesaid points were answered which can summarised as under:

"Point 1: If findings were arrived at in an enquiry as to misconduct, behind the back of the officer or without a regular departmental enquiry, the simple order of termination is to be treated as "founded" on the allegations and will be bad. But if the enquiry was not held, no findings were arrived at and the employer was not inclined to conduct an enquiry but, at the same time, he did not want to continue the employee against whom there were complaints, it would only be a case of motive and the order would not be bad. Similar is the position if the employer did not want to enquire into the truth of the allegations because of delay in regular departmental proceedings or he was doubtful about securing adequate

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evidence. In such a circumstance, the allegations would be a motive and not the foundation and the simple order of termination would be valid.

*** *** ***

Point 2: There is considerable difficulty in finding out whether in a given case where the order of termination is not a simple order of termination, the words used in the order can be said to contain a 'stigma'. It depends on facts and circumstances of each case and language or words used to ascertain whether termination order contains stigma.

*** *** ***

Point 3: Material which amounts to stigma need not be contained in termination order of a probationer but might be contained in documents referred to in the termination order or in its annexures. Such documents can be asked for, or called for, by any future employer of the probationer. In such a case, employee's interests would be harmed and therefore termination order would stand vitiated on the ground that no regular enquiry was conducted.

**** *** ****

It is true that the Supreme Court in some of the cases has held that termination order is not punitive where employee has been given suitable warnings or has been advised to improve himself or where he has been given a long rope by way of extension of probation. However, in all such cases, there were simple orders of termination which did not contain any words

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amounting to stigma. On the other hand, there is a stigma in the impugned order which cannot be ignored because it will have effect on the appellant's future. Stigma need not be contained in termination order but may also be contained in an order or proceeding referred to in termination order or in an annexure thereto and would vitiate the termination order."

57.2 Referring to Indra Pal Gupta vs. Managing Committee, Model Inter College (1984) 3 SCC 384, it was observed in para 35 that the said decision is a clear authority for the proposition that the material which amounts to stigma need not be contained in the order of termination of the probationer but might be contained in any document referred to in the termination order or in its annexures. Obviously, such a document could be asked for or called for by any future employer of the probationer. In such a case, the order of termination would stand vitiated on the ground that no regular enquiry was conducted.

57.3 In that case, the employer had given ample opportunity to the employee by giving him warnings, asking him to improve and even extended his probation twice. It was observed that in such circumstances where he was given a long rope by way of extension of probation, this Court had said that the termination order could not be held to be punitive as held in Hindustan Paper Corpn. vs. Purnedu Chakrobarty & Ors, (1996)11 SCC 404, ONGC v. Mohd. S. Iskender Ali, (1980) 3 SCC 428, Principal, Institute of Post Graduate Medical Education & Research, Pondicherry vs. S. Andel & Ors., 1995 Supp (4) SCC 609 and a labour case being Oswal Pressure Die Casting

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Industry, Faridabad vs. Presiding Officer, (1998) 3 SCC 225. This Court further observed that in the above noted cases, the order were simple orders of termination which did not contain any word amounting to stigma. That in case it was concluded that there was stigma in the impugned order of termination or discharge it would have an effect on the future irrespective of whatever had been the earlier opportunities granted by the employer to the employee to improve.

57.4. Thus, the approach of the Court must be firstly, to ascertain whether the impugned order is founded on any conclusions arrived at by the employer as to his misconduct or whether the termination was passed because the employer did not want to continue an employee against whom there were some complaints. The second aspect is whether there is any stigma in the order of termination or in the documents referred to in the termination order. In the aforesaid case, the impugned order of termination was quashed and the appeal was allowed. The appellant therein was directed to be reinstated with back wages till the date of reinstatement and continuity of service reserving liberty to the respondents therein to take such action as they deem fit in accordance with law against the appellant therein.

58. Recently in Swati Priyadarshini (2024) 19 SCC 128, this Court, placing reliance on the earlier judgment in Parshotam Lal Dhingram 1857 SCC Online SC 5, granted relief to the appellant therein. The relevant portion of Parshotam Lal Dhingra could be recapitulated as under:

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"28. .... Any and every termination of service is not a dismissal, removal or reduction in rank. A termination of service brought about by the exercise of a contractual right is not per se dismissal or removal. ... In short, if the termination of service is founded on the right flowing from contract or the service rules then, prima facie, the termination is not a punishment and carries with it no evil consequences and so Article 311 is not attracted. But even if the Government has, by contract or under the rules, the right to terminate the employment without going through the procedure prescribed for inflicting the punishment of dismissal or removal or reduction in rank, the Government may, nevertheless, choose to punish the servant and if the termination of service is sought to be founded on misconduct, negligence, inefficiency or other disqualification, then it is a punishment and the requirements of Article 311 must be complied with. As already stated if the servant has got a right to continue in the post, then, unless the contract of employment or the rules provide to the contrary, his services cannot be terminated otherwise than for misconduct, negligence, inefficiency or other good and sufficient cause. A termination of the service of such a servant on such grounds must be a punishment and, therefore, a dismissal or removal within Article 311, for it operates as a forfeiture of his right and he is visited with the evil consequences of loss of pay and allowances.

It puts an indelible stigma on the officer affecting his future career."

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59. Jayshree Chamanlal Buddhbhatti, (2013)16 SCC 59 is a case pertaining to a Civil Judge, Junior Division who was placed on probation for the period of two years. The respondent in the aforesaid case initially received certain adverse remarks to which she sent her replies and the same were followed by her termination from service on the premise that her performance was not good and satisfactory and that she was not suitable for the post she held. Therefore, it was recommended for termination of her probation immediately and that she should not be allowed to continue to officiate in service for a long term. Being unsuccessful in her representation, she assailed the same before the High Court which held that it was not a case of termination simpliciter of a probationary officer and therefore set aside the termination of her service and directed reinstatement with back wages. The High Court of Gujarat had preferred an appeal before this Court. Going through the original records, this Court summarised as under: (Jayshree Chaman Lal Buddhbhatti Case, SSC P. 61)

> *"The question is whether this is a case of termination simpliciter of the services of a probationer on account of her unsuitability for the post that she was holding, or whether it is a termination of her services after holding an inquiry behind her back, and without giving her an opportunity to defend herself. Having gone through the salient judgments on the issue in hand, one thing which emerges very clearly is that, if it is a case of deciding the suitability of a probationer, and for that limited purpose any inquiry is conducted, the same cannot be faulted as such. However, if during the course of such an inquiry any*

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> *allegations are made against the person concerned, which result into a stigma, he must be afforded the minimum protection which is contemplated under Article 311(2) of the Constitution even though he may be a probationer. The protection is very limited viz. to inform the person concerned about the charges against him, and to give him a reasonable opportunity of being heard."*
>
> *Consequently, this Court affirmed relief granted to the respondent therein by granting reinstatement of her service with continuity and all consequential benefits. However, the back wages payable to her were restricted to the period subsequent to the decision of the High Court as the respondent therein confined her prayer to that extent as she was interested in mitigating her position."*

17. In ***Kamal Narayan Mishra vs. State of Madhya Pradesh and others (supra),*** that is the judgment relied upon by the learned Senior Counsel for the respondents, the Hon'ble Supreme Court has been pleased to hold as under:

> *"13. This Court in Ram Ratan Yadav, also pointed out that neither the gravity of the criminal offence nor the ultimate acquittal therein was relevant when considering whether a probationer who suppresses a material fact (of his being involved in a criminal case, in the personal information furnished to the employer), is fit to be continued as a probationer.*

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14. Therefore, the ratio decidendi of Ram Ratan Yadav is, where an employee (probationer) is required to give his personal data in an attestation form in connection with his appointment (either at the time of or thereafter), if it is found that the employee had suppressed or given false information in regard to matters which had a bearing on his fitness or suitability to the post, he could be terminated from service during the period of probation without holding any inquiry. The decision dealt with a probationer and not a holder of a civil post, and nowhere laid down a proposition that a confirmed employee holding a civil post under the State, could be terminated from service for furnishing false inform"

18. Similarly, in ***Kendriya Vidyalaya Sangathan and others vs. Ram Ratan Yadav*** (*supra),* the Hon'ble Supreme Court has been pleased to hold as under:

"12. *The object of requiring information in columns 12 and 13 of the attestation form and certification thereafter by the candidate was to ascertain and verify the character and antecedents to judge his suitability to continue in service. A candidate having suppressed material information and/or giving false information cannot claim right to continue in service. The employer having regard to the nature of the employment and all other aspects had discretion to terminate his services, which is made expressly clear in para 9 of the offer of appointment. The purpose of seeking information as per columns 12 and 13 was not to find out either the nature or gravity of the offence or the result of a criminal case ultimately.*

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The information in the said columns was sought with a view to judge the character and antecedents of the respondent to continue in service or not. The High Court, in our view, has failed to see this aspect of the matter. It went wrong in saying that the criminal case had been subsequently withdrawn and that the offences, in which the respondent was alleged to have been involved, were also not of serious nature. In the present case the respondent was to serve as a Physical Education Teacher in Kendriya Vidyalaya. The character, conduct and antecedent of a teacher will have some impact on the minds of the students of impressionable age. The appellants having considered all the aspects passed the order of dismissal of the respondent from service. The Tribunal after due consideration rightly recorded a finding of fact in upholding the order of dismissal passed by the appellants. The High Court was clearly in error in upsetting the order of the Tribunal. The High Court was again not right in taking note of the withdrawal of the case by the State Government and that the case was not of a serious nature to set aside the order of the Tribunal on that ground as well. The respondent accepted the offer of appointment subject to the terms and conditions mentioned therein with his eyes wide open. Para 9 of the said memorandum extracted above in clear terms kept the respondent informed that the suppression of any information may lead to dismissal from service. In the attestation form, the respondent has certified that the information given by him is correct and complete to the best of his knowledge and belief; if he could not understand the contents of column nos. 12 and 13, he could not certify so. Having certified that the information given by him is correct and complete, his version cannot be accepted. The order of

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> *termination of services clearly shows that there has been due consideration of various aspects. In this view, the argument of the learned counsel for the respondent that as per para 9 of the memorandum, the termination of service was not automatic, cannot be accepted."*

19. Coming back to the facts of this case, the petitioner was appointed as a Junior Associate vide appointment letter dated 23.07.2025 on probation for a period of six months. Thereafter, he joined his duty after he was posted at Hamirpur. The FIRs were lodged against the petitioner on 05.12.2025 and 06.12.2025, respectively.

20. Thus, the above demonstrates that the FIRs which were lodged against the petitioner were not lodged before the petitioner had joined the service of the respondent bank, but this is an event which took place during the service of the petitioner with the respondent bank as a probationer.

21. Now, in this backdrop, if we have a look at the judgments of the Hon'ble Supreme Court relied upon by the learned Senior Counsel for the respondent-Bank, one finds that what the Hon'ble Supreme Court of India has been pleased to lay down in the

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said judgments is that if a person conceals certain material facts, including criminal antecedents, at the time of applying for the job, and if subsequently these facts are revealed to the employer during the period of probation, then the services of such an incumbent can be terminated during the period of probation itself and there is no requirement of providing an opportunity to such an incumbent to meet the charges against him.

22. Thus, these two judgments refer to a situation where the incident which culminates into the termination of the services of a probationer had happened before the joining of the petitioner with the employer and such incident was concealed by the employee from the employer.

23. As observed hereinabove, in the present case, the lodging of the two FIRs which have led to the termination of the petitioner took place after the joining of the petitioner with the respondent bank, though during the period of probation, which obviously means that there was no occasion for the petitioner to

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have had disclosed these facts at the time when he applied for the post or when he joined the post.

24. Therefore, in this backdrop, this Court has to now examine as to whether the termination order in the present case is a simple order of termination during the period of probation or a stigmatic order.

25. The issue that the services of a probationer cannot be terminated by passing a stigmatic order with holding an inquiry is no more *res integra*, as is evident from the judgment of the Hon'ble Supreme Court in *Sarita Chaudhary vs. High Court of Madhya Pradesh and another*, relied upon by learned Senior Counsel for the petitioner, which reiterates this law settled by the Hon'ble Supreme Court in umpteen number of judgments.

26. It is evident from the said judgment of the Hon'ble Supreme Court and other judgments referred therein, which stand quoted hereinabove earlier that if the services of a probationer are terminated during probation on the ground that the probationer is unsuitable for a job, then such a case is non-stigmatic as it is a

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termination simpliciter. Herein, the performance of the probationer has to be considered in order to ascertain whether it has been satisfactory or unsatisfactory. If the performance of a probationer has been unsatisfactory, he is liable to be terminated by the employer without conducting an inquiry. No right of hearing is reserved with the probationer and there would be no violation of the principles of natural justice in such a case. However, if the probationer was discharged on the ground of misconduct during probation without holding an inquiry, then the termination would amount to punishment as the termination in such a case is founded on misconduct.

27. Hon'ble Supreme Court has also held that termination simply owing to unsuitability, having regard to the nature of the job, is not stigmatic before any probationer is considered for confirmation. But if the alleged act of misconduct was the cause of the order and, but for the allegation, it would not have been passed, then it is inevitable that the order of termination would be a stigmatic order.

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28. When we apply the adjudications of the Hon'ble Supreme Court on the facts of this case, one finds that herein the termination of the petitioner during the period of probation is not on the ground that his work was found unsatisfactory. In fact, that is neither the foundation nor the edifice of the order. The foundation of the order is the lodging of the two FIRs against the petitioner, which led to the passing of the order of termination.

29. Now, incidentally, herein the FIRs were not lodged before the petitioner had joined the service of the respondent-Bank, but was a subsequent development which took place while the petitioner was in service. Therefore, as observed hereinabove also, these FIRs cannot be taken shelter of by the respondent-Bank for justifying its decision by stating that because the antecedents of the petitioner were not found to be worthy, therefore, his services were terminated.

30. This Court again repeats and reiterates that the lodging of the two FIRs was a subsequent event. Thus, in these circumstances, as the services of the petitioner stand terminated

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during the period of probation on account of the lodging of the said two FIRs and his termination during the period of probation was not attributable to the unsatisfactory service on the part of the petitioner, the impugned order without holding an inquiry indeed is stigmatic in terms of the law declared by the Hon'ble Supreme Court of India, which already stands referred to hereinabove and which is not being repeated for the sake of brevity.

31. Thus, in the light of above discussion, this writ petition is allowed and Annexure P-4 and Annexure P-6, dated 22.01.2026 and 10.03.2026 are ordered to be quashed and set aside with consequences to ensue, but with the observation that the setting aside of the impugned order shall not come in the way of the respondent-Bank to proceed against the petitioner in the matter afresh, in accordance with law.

32. Pending applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

31st August, 2026.
(jai)

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