



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 1211 of 2020

22 December, 2025

Ginni Devi.

.....Petitioner

Versus

State Of Uttarakhand
and others.

.....Respondents

Present:

Mr. Vinod Chandra, learned counsel for the petitioner.

Mr. Pradeep Hairiya, learned Standing Counsel for the State.

Ms. Indu Sharma, learned counsel for the Uttarakhand Transport Corporation.

Hon'ble Rakesh Thapliyal, J.

1. Though the petitioner is retired from service on 31.07.2020, however, she is aggrieved by the order dated 17.06.2020 and consequential order dated 09.07.2020 which was passed at the fag end of service whereby petitioner was reverted to the post of Labourer on the ground that petitioner was not eligible to the post, in which she was promoted in the year of 1999, as she was having of Prathama and Madhyama Certificate, which are not recognized by the State Government.

2. Brief facts of the case are that the petitioner was initially inducted in service as a Labourer in the year 1990 and thereafter, she was promoted to the post of Junior Clerk on 06.05.1999 in U.P. Transport Corporation.

3. Learned counsel for the petitioner argued that impugned order of reversion was passed at the fag end of service of petitioner. He argued that petitioner was promoted to the post of Junior Clerk on 06.05.1999 and since then she was continuously performing her duties to the post in which she



was promoted, but after more than twenty years, she was reverted on the ground that qualification of Prathama and Madhyama are not recognized by the State Government. He submits that reversion of the petitioner at the fag end of the service is wholly unwarranted, unjust and is improper and as such, the order impugned is liable to be quashed.

4. In support of his argument, he has placed reliance on the judgment of Hon'ble Supreme Court in **Civil Appeal No. 217 of 2019 (Sukh Bilash Thakur Vs. the Bihar State Electricity Board and others)** which unreported judgment decided on 09.01.2019, and para 5 of the said judgment is being quoted herein:

"5. In the facts and circumstances of the present case, we consider the order of reversion issued nearly twenty-five years later to be highly unjust, inequitable and arbitrary suffering from the vice of unreasonableness. Consequently, it is held to be unsustainable. We also notice that the appellant has already retired from service. The impugned order of reversion is therefore set aside. The appellant shall be entitled to pensionary benefits in accordance with law as if the order of reversion had never been passed. Pensionary benefits and other retiral dues shall be paid to him within a period of eight weeks from the date of receipt and/or presentation of a copy of this order.

The dues shall carry interest at the rate of 15 per cent till the date of actual payment."

5. Learned counsel for petitioner further submits that order impugned has been passed by the respondents officials without



application of mind since on the complaint of a third person earlier an inquiry was done but nothing adverse was found and again, on the complaint of same person dated 11.05.2018, the respondent department proceeded with matter and an inquiry was done and nothing adverse was found except that Prathama and Madhyama are not recognized by the Government

6. On the other side, Ms. Indu Sharma, learned counsel for the respondents no. 2 to 4 has not disputed that nothing adverse has been found against the petitioner in both the inquiries, however, she submits that since Prathama and Madhyama are not recognized by State Government, therefore, the official respondents were right in reverting the petitioner. Learned counsel for the Corporation have also not disputed that the impugned order was passed at the fag end of the service of the petitioner on 09.07.2020 since the age of superannuation of the petitioner was 31.07.2020.

7. After hearing learned counsel for the parties and perusing the material available on record, it appears that there has been no suppression or fraud by the petitioner in securing the promotion to the post of Junior Clerk in 1999 and undisputedly, she was promoted after verification of her qualification through the process of selection.

8. Apart from this, there has been no complaint against her in discharging her duties as Junior Clerk and the respondents after 20 years at the verge of retirement, passed the impugned order of reversion, which appears to be unjust and improper and arbitrary and as such, impugned order of reversion is unsustainable.

9. Consequently, the writ petition is allowed. Impugned orders 17.06.2020 and 09.07.2020 passed by respondent no. 3



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and 4 are hereby quashed. Respondents are directed to grant pensionary benefit and other post retirel benefits including arrears of salary, if any, within a period of eight weeks from the date of production of certified copy of this order. It is made clear that dues shall carry interest @ 8% per annum till the date of actual payment. No order as to costs.

(Rakesh Thapliyal, J.)

22.12.2025

SKS