

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 216

Case No. : C. W. P. No. 4338 of 2012

Date of Decision : April 06, 2015

Satish Kumar Petitioner
Vs.
Punjab Mandi Board and another Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. P. K. Goklaney, Advocate
for the petitioner.

Mr. Ajaib Singh, Advocate
for the respondents.

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DEEPAK SIBAL, J. :

Orders dated 08.02.2012 (Annexure P-5) and 01.03.2012 (Annexure P-6), through which the petitioner has been reverted from the post of Clerk to the post of Sewadar, are the subject matter of challenge in the present writ petition.

The undisputed facts are that on 01.08.2006, the petitioner was appointed as Sewadar in Market Committee, Khanauri (hereinafter referred to as – the respondent Committee). One Ms. Amandeep Kaur, who was

working as a Clerk in the respondent Committee, was promoted to the post of Auction Recorder, and due to this, a vacancy in the cadre of Clerks, was created. Against such vacancy, the petitioner was promoted. Thereafter, promotion of the above said Amandeep Kaur, was ordered to be cancelled as it was found that she did not have the requisite experience of three years as Clerk for being promoted to the post of Auction Recorder. Resultantly, she was reverted back to the post of Clerk and consequently, the petitioner, who had been appointed against the vacancy of Clerk, created by her promotion, was reverted back to the post of Sewadar. Before reverting the petitioner, no notice or opportunity of hearing was granted to him.

The petitioner has challenged the above said order of his reversion through the present writ petition, in which, while issuing notice to the respondents vide order dated 07.03.2012, this Court stayed the operation of the impugned reversion orders.

In pursuance to the above interim order dated 07.03.2012, the petitioner has continued to serve the respondent Committee as a Clerk.

I have heard learned counsel for the parties and with their able assistance, have also gone through the record of the case.

Amandeep Kaur, who was working as a Clerk, was promoted as Auction Recorder and as a result of her promotion, a vacancy in the cadre of Clerks was created against which the petitioner was ordered to be promoted. The sole ground, on which the petitioner was reverted from the post of Clerk to the post of Sewadar, was on account of the fact that

Amandeep Kaur had been reverted back from the post of Auction Recorder to the post of Clerk for want of requisite experience of three years. It is the un rebutted case of the petitioner that during the pendency of the present writ petition, the above said Amandeep Kaur gathered the requisite three years' experience as a Clerk and that being so, vide order dated 16.03.2012 (Annexure P-7), she was again ordered to be promoted to the post of Auction Recorder. In pursuance to the order of promotion dated 16.03.2012 (Annexure P-7), she joined on the promoted post on 16.03.2012 itself. Thus, the post of Clerk, to which the petitioner had earlier been promoted, became available and the only impediment in the way of the petitioner and his promotion to the post of Clerk stood removed.

In view of the above, I consider it just and proper to direct the respondents to consider and promote the petitioner as Clerk w.e.f. the date a vacancy in the cadre of Clerks was created on the further promotion of Amandeep Kaur from the post of Clerk to the post of Auction Recorder after she had acquired the requisite experience of three years, with all consequential benefits.

The writ petition stands allowed in the above terms.

No costs.

(DEEPAK SIBAL)
JUDGE

April 06, 2015
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