

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5935 of 2013

Date of Decision:- 18.08.2015.

Krishna Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Surender Dhull, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

P.B. BAJANTHRI, J.

1.) The petitioner is the wife of deceased Government servant. The deceased, Attar Singh Malik, was appointed as a Guard on 28.08.1970, in the Forest Department, Haryana. He has earned promotion to the cadre of Forester on 01.08.1979. He was further promoted to the cadre of Deputy Ranger on 01.06.1990. While he was in service, he died on 12.06.2003.

2.) There were various disputes regarding seniority and promotion in the cadre of Deputy Ranger which was subject matter before this Court and Apex Court. On 17.12.2012, due to alteration of the seniority of deceased Attar Singh Malik, he was reverted to the post of Forester from the post of Deputy Ranger vide order Annexure

P-1. The petitioner aggrieved by the said order of reversion presented this petition.

3.) Learned counsel for the petitioner submitted that the petitioner's husband died on 12.06.2003 and petitioner's pensionary benefits as well as family pension have been settled with reference to the post of Deputy Ranger held by Late Attar Singh Malik. Therefore, reversion order dated 17.12.2012 could affect the pensionary benefits as well as family pension, which has attained finality. It was also contended against dead person reversion order is unheard in service jurisprudence.

4.) The respondents have filed written statement in which they have admitted that pension of the petitioner could not be reduced and he is being paid the family pension with reference to the post of Deputy Ranger held by her husband. In view of the admitted facts, the petition do not survive for consideration. However, it is necessary to set aside the order of reversion for the reasons that the deceased husband of the petitioner was reverted after his death. Even no notice has been given to the petitioner before passing the order of reversion. Thus, the impugned order of reversion dated 17.12.2012 (Annexure P-1) is set aside.

Accordingly, the writ petition is allowed.

(P.B. BAJANTHRI)
JUDGE

August 18, 2015.

sandeep sethi