

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 96 of 2016**

L.N.Sharma S/o R.S.Sharma, Aged about 53 years, Additional Marketing Officer,
Jila Sahkari Kendriya Bank Maryadit, Raipur, R/o Dangania, P.S. D.D. Nagar,
Raipur, Civil and Revenue District Raipur, Chhattisgarh

---- Appellant**Versus**

1. State of Chhattisgarh, Through Chief Secretary, Mahanadi Bhawan, Mantralaya
Naya Raipur, District Raipur Chhattisgarh.
2. Chairman, Zila Sahkari Kendriya Bank Maryadit, Raipur, District Raipur,
Chhattisgarh.
3. Chief Executive Officer, Zila Sahkari Kendriya Bank Maryadit, Raipur, District
Raipur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Rahul Birtharey, Advocate.
For Respondent/State	:	Shri Prafull N Bharat, Additional Advocate General.
For Respondents 2 &3	:	Shri S.C.Verma, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****17/02/2016**

1. The present appeal arises from order dated 5.1.2016 dismissing Writ Petition (S) No. 357 of 2014. The Learned Single Judge held that the Appellant was not entitled to any arrears or difference of salary consequent to the order of reversion having been set aside.

2. Learned Counsel for the Appellant submits that while holding the post of Branch Manager, he was promoted to the rank of Additional Marketing Officer on 20.7.2004. Reversion was ordered on 10.5.2006. This Court on 28.10.2010 disposing the earlier Writ Petition (S) No. 3148 of 2006 alongwith analogous writ petitions set aside the order of reversion. The Appellant was allowed to join the

post of Additional Marketing Officer from the date of reversion i.e. 10.5.2006. Subsequently, he represented for arrears of salary from 10.5.2006 to 10.1.2011 when the joining was accepted. The Respondents rejected the claim on 15.1.2014 which was assailed in the writ petition. It was contended that the Learned Single Judge has opined at paragraph 9 that the promotion order had been passed in accordance with law. It being a finding on merits, the Appellant is entitled to arrears of salary on the higher post of Additional Marketing Officer on which he was unlawfully prevented from working between the period 10.5.2006 to 9.1.2011 when he actually joined.

3. Learned Counsel for the Respondents have opposed the appeal urging that the order of reversion was not quashed on merits but on technicalities for non-compliance with principles of natural justice reserving rights for the Respondents to act afresh in accordance with law. In any event, no such relief was sought in Writ Petition (S) No. 3184 of 2006. The Appellant has been paid salary on the post of Branch Manager on which he continued to work after reversion till it was set aside. The Learned Single Judge has also noticed that the order dated 10.1.2011 giving notional promotion only w.e.f 10.5.2006 has not been challenged and has attained finality.

4. We have considered the submissions on behalf of the parties and are of the opinion that the order under appeal calls for no interference.

5. It is manifest from the order dated 28.10.2010 that the reversion was not set aside on merits but on technicalities for non-compliance with the principles of natural justice reserving the right to the Respondents for proceeding afresh in accordance with law. An order of the Court cannot be read in isolation by culling out one line torn out of context. The reliance by the Counsel for the Appellant at paragraph 9 of the order, in our opinion is misconceived. It was an observation only of the Court which was diluted by the very next line that an order of reversion having civil consequences could not have been passed in violation of

the principles of natural justice. The concluding portion allows the writ petition on that ground with express liberty to the Respondents to proceed afresh in accordance with law. It is not in dispute that the Appellant has received salary on the post of Branch Manager on which he continued to work till it was set aside by the Court. The present cannot be equated with a case where a person may have been dismissed from service and would then have been reinstated. The considerations in the two situations would have to be entirely different. Additionally, it does not appear that any consequential relief was sought by the Appellant on the earlier occasion before the Learned Single Judge as also observed in the order under appeal.

6. We find no merit in the appeal. The appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE