

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15330 of 1995

Date of Decision: 11.03.2016

Mohd. Nazir

... Petitioner

Versus

Punjab Wakf Board and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Dinesh Kumar, Advocate,
for the petitioner.

Mr. S.K. Pippat, Sr. Advocate,
with Mr. H.K. Brinda, Advocate.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. The issue in this case is the one involved in the accompanying writ petition bearing CWP No.19635 of 1996 with the difference that the petitioner is still in service. He was reverted from the post of Rent Controller to Peon while he was a direct recruit on the superior post and, therefore, could not be reverted in view of the law laid down in **Hussain Sasansaheb Kaladgi v. State of Maharashtra**, (1988) 4 SCC 168, **Nyadar Singh v. Union of India and others**, (1984) 4 SCC 170, **P.V. Srinivasa Sastry v. Comptroller & Auditor General**, (1993) 1 SCC 419. Those reversion orders are not maintainable and deserve to be set aside. Even while the Wakf Board reverted the petitioner to the lower post on which he was not recruited they have promoted him from the rank of Clerk-cum-Rent Controller to Section Officer/Estate Officer vide order dated October 04, 2014 which is a speaking one and the petitioner has been confirmed on

successful completion of probation by order dated October 28, 2014.

2. Accordingly, the present writ petition is allowed and the impugned order dated October 07, 1995 (Annex P-14) is quashed.

(RAJIV NARAIN RAINA)
JUDGE

11.03.2016
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