

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15799 of 1998(O&M)

Date of decision:1.9.2016

Dharam Vir

... Petitioner

Versus

State of Haryana & ors.

... Respondents

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

Present: None for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

The petitioner was reverted from the post of Lecturer in Sanskrit to Sanskrit Teacher vide impugned order dated January 12, 1998. The petitioner was then working on the post of Sanskrit Teacher. Since he was not promoted to the post of Lecturer in Sanskrit (School Cadre) he approached this Court with some other teachers by way of filing CWP No.3405 of 1985 and this Court issued a writ of mandamus directing the respondent-Government to consider them at par with the teachers in Masters' cadre for promotion to the post of Head Master, Lecturer, Block Education Officer and other higher posts. The petitioner was promoted to the post of Lecturer in Sanskrit (School Cadre) vide order dated April 10, 1997 [Annex P-1] w.e.f. January 13, 1973. Meantime, some similarly situated employees approached this Court by filing CWP No.9891 of 1998, titled Roshan Lal v. State of Haryana & ors. against the orders of reversion. This Court passed the following directions:-

“i) If any seniority of the incumbents who were eligible for consideration for promotion to the next higher rank like Lecturer in Sanskrit (School

Cadre) was ever finalised by the respondents after inviting objections from all concerned, then they said seniority list be circulated to all concerned including the present petitioners and in case in that final seniority list, there are certain other person above the petitioner who are otherwise eligible for consideration for promotion to the rank of Lecturer in Sanskrit (School Cadre), then no exception can be found to the order of reversion of the petitioner.

ii) If the respondents have not issued any final seniority list as mentioned in (i) above and are making promotion only on the basis of a working seniority list which they might have framed for their own convenience, even then such working seniority list be circulated to all concerned including the petitioners and objections invited thereto. After finalising the objections in accordance with law, action of reversion, if necessary, be taken.

iii) After complying with (i) or (ii) above, as the case may be, the case (s) of the eligible persons (as per their seniority) for promotion as Lecturer in Sanskrit (School Cadre) against any promotional quota post be considered with effect from the date any promotion quota vacancy became available. This direction be complied with within two months of complying with (i) or (ii) as the case may be.

The petitioners will continue to hold the rank of Lecturer in Sanskrit (School Cadre) till (i) or (ii), as the case may be, are complied with.”

It was in implementation of these orders that resulted in the reversion of some of the teachers who were senior to the petitioner but were

ignored while promoting the petitioner wrongly with retrospective effect from 1973, thereby affecting their settled rights with retroactive effect against which the present petition has been filed to restore the status quo ante and annul the reversion order. The reversion has admittedly been effected after issuing show cause notice and offering opportunity of hearing to the petitioner and therefore, the order cannot be castigated by reason of want of adhering to the principles of natural justice. On merits, the order cannot be criticized since it is a natural fall out of the orders passed by this Court in CWP No.3405 of 1985, which orders have attained finality even as per showing of the petitioner himself in para 16 of the petition.

As a result, the petitioner cannot stake claim for retention as Lecturer in Sanskrit from the date of acquiring qualification of M.A. in Sanskrit. I find no reason to interfere in this matter and would dismiss the same.

The petition is dismissed, however, with no orders as to costs. Copy of this order be supplied to the petitioner by the office with duty also on the respondent department to inform the petitioner of the passing of the order since he is a pensioner and his address is presumed to be known to it as borne on official record.

(RAJIV NARAIN RAINA)
JUDGE

1.09.2016
monika

Whether speaking/reasoned *Yes*

Whether reportable *No*