

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.15050 of 2016
Date of decision: 29.07.2016**

Gurmit Singh

..Petitioner

Versus

The Punjabi University and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Deepak Bhardwaj, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned order dated 10.06.2016 (Annexure P-6), whereby, the petitioner has been sent to his original post of Driver-cum-Conductor from Incharge Upkeep Services.

Learned counsel for the petitioner submits that the post against which, the petitioner was working is higher post and sending the petitioner to his earlier post would amount to reversion. No opportunity whatsoever has been given to him and nothing has come on record that the service record of the petitioner was not good or he was not found suitable. Learned counsel has also relied upon judgments rendered by this Court in ***S. Avtar Singh Uppal vs. The Inspector-General of Police, Chandigarh and others, 1966 CurLJ 318, State of Punjab vs. Vidya Parkash, 1969 SLR 732*** as well as judgment rendered by the Delhi High Court in ***C.B. Dubey and others vs. Union of India and others, 1975(1) SLR 580*** in support of his contentions.

Heard arguments of learned counsel for the petitioner and have also perused the impugned order as well as other documents available on the file.

In the impugned order dated 10.06.2016, it has clearly been mentioned that the petitioner is being sent to his original post as some inquiry is pending against him due to the complaint made against him. It is a case of transfer from the present post to the original post and as such, it cannot be said to be a case of reversion as submitted by learned counsel for the petitioner. The petitioner was paid the same salary and benefits.

Moreover, the transfer is a term and condition of appointment and it cannot be said that to transfer the petitioner to his earlier post would amount to reversion.

Accordingly, the present writ petition being devoid of any merit is dismissed.

29.07.2016
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	√ Yes/No
Whether Reportable	√ Yes/No