

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

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CWP-17857-1996 (O&M)
Date of decision: 21.03.2017

Vinod Kumar

....Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: None for the petitioner.

Mr. Hitesh Pandit, AAG, Haryana.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the validity of order of reversion dated 04.01.1994 and consequential orders. Perusal of the order of reversion it is evident that the petitioner was promoted to the post of Assistant on *ad hoc* basis vide office order dated 12.04.1990. While promoting the petitioner the official respondents have made it clear that petitioner has to make way to his seniors if their names are overlooked for promotion. The petitioner was working in the post of Assistant for about 4 years. During 4 years, petitioner's stated to be seniors have not made any objection or not challenged the order of promotion of the petitioner dated 12.04.1990. In the absence of the same, official

respondents have entertained the grievance of stated to be seniors to the petitioner and after due consideration of their grievance, petitioner has been reverted from the post of Assistant on 04.01.1994. Order dated 04.01.1994 reads as under:-

“O R D E R

Shri Vinod Kumar was promoted to the post of Assistant on ad hoc basis vide this office order dated 14.02.1990. In the order of promotion of this official, it was specifically mentioned that if any senior employee raises any objection in that eventuality he shall be bound by the decision. Now two senior officials Sarvshri Mohinder Singh and Ramesh Sachdeva have been promoted as Assistants, Shri Vinod kumar Assistant who is junior most amongst all the assistants is reverted back to his original post of Steno-Typist with immediate effect. After reversion he shall be posted against the post of Steno-typist, which is lying vacant in the Sub Divisional Officer (Civil), Jagadhri.

Dated 04-01-1994

*Sd/-
Deputy Commissioner,
Yamuna Nagar.*

Endst.No.38-41/EA dated 05.01.1994.”

Perusal of the order of reversion it is evident that petitioner has not been heard before ordering reversion. Rightly or wrongly, the petitioner was promoted to the post of the Assistant on 12.04.1990 by which he was getting higher pay attached to the post of Assistant. By virtue of the order of reversion dated 04.01.1994 his pay has been reduced and so also status.

Therefore, there is a civil consequence in passing the order dated 04.01.1994.

Hence on the ground of principle of natural justice, Annexure P8 dated 04.01.1994 is hereby set aside. Disposal of this petition will not come in the way of respondents to take necessary action in accordance with law namely after due notice to the petitioner and after receipt of reply from the petitioner afresh order be passed after due consideration of the petitioner's contentions.

Petition stands allowed.

21.03.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No