

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

1. CWP No.18901 of 1998

Malkiat Singh ... Petitioner

Vs.

State of Haryana and others ... Respondents

2. CWP No.18761 of 1998

Ravinder Pal Singh and others ... Petitioners

Vs.

State of Haryana and others ... Respondents

Date of Decision: 27.01.2017

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Harsh Garg, Advocate for the petitioners.

Mr. Harish Rathee, Sr. D.A.G. Haryana.

Mr. D.S. Dadwal, Advocate for respondent No.3.

P.B. BAJANTHRI J.

By this common judgment, both the aforementioned writ petitions shall be decided together as the controversy is identical in these cases.

For the sake of convenience, facts are taken from CWP No.18901 of 1998. The petitioner has questioned the validity of reversion order dated 3.12.1998 (Annexure P-5).

The petitioner was initially appointed as a S.S. Master on 20.10.1993. Among others, the petitioner was promoted to the post of Lecturer in Punjabi on 24.3.1998. The official respondents came to know that such promotion was not in accordance with law i.e. including the claims of the seniors to the petitioner in the combined seniority list of master and C & V teacher. Respondents No.3 to 6 are stated to be appointed to the cadre (C & V) prior to the date of petitioner. Thus, the private respondents are

admittedly seniors to the petitioner if the combined seniority list is taken into consideration. The official respondents have published combined seniority list of master and C & V on 17.2.1993 (Annexure R-1) wherein the petitioners have been shown juniors to the private respondents. Thus, without considering the names of the private respondents for the purpose of promotion to the post of Lecturer in Punjabi, the petitioner and others have been promoted. In this regard, official respondents have issued show cause notice on 27.7.1998. The petitioner and others have submitted their reply. After due consideration of their reply read with seniority list dated 17.2.1993, the official respondents have passed an order of reversion on 3.12.1998. Thus, the petitioner and others have questioned the validity of the said order of reversion.

Learned counsel for the petitioner submitted that upto 1994 the cadre of C & V teachers and Masters are different and for the purpose of Lecturer in Punjabi only cadre of C & V is taken into consideration for the purpose of promotion. It was further submitted that C & V post is being maintained at the district level whereas the Master cadre is maintained at the State level. Thus, the petitioner and others who are in the master Cadre, they should be treated as seniors to the C & V cadre teachers.

Learned counsel for the petitioner further submitted that having regard to the fact that master cadre is a State level cadre, they should be placed over and above. The respondents have not circulated the seniority list consisting of Master and C & V teachers. Thus, the petitioners have been deprived of submitting their reply to the combined seniority list issued on 17.2.1993. Therefore, the order of reversion is highly arbitrary and illegal.

On the other hand, learned counsel for the respondents have

submitted that for the purpose of promotion to the post of Lecturer in Punjabi, method of recruitment is from C & V teachers and Masters. Thus, a combined seniority list was notified on 17.2.1993. The petitioner and others have entered into service subsequent to the private respondents entry into service. In the year 1994 for the purpose of Lecturer in Punjabi, source cadre are C & V and Master. Thus, the respondents have prepared a combined seniority list of C & V teachers and Masters while taking into consideration the length of service in their respective cadre. Thus, the private respondents who have appointed prior to the petitioner's appointment (Entry into service) were admittedly seniors. Thus, the petitioner is junior to the private respondents. Therefore, taking into consideration combined seniority list, the official respondents have proceeded to revert the petitioner and others after issuing show cause notice. Thus, there is no infirmity in the order of reversion.

Heard learned counsel for the parties.

The petitioners have questioned the validity of reversion order from the post of Lecturer in Punjabi to that of Master on 3.12.1998. Admittedly, source of cadre for promotion to the post of Lecturer in Punjabi as on 24.3.1998 is from C & V teachers and Masters. The official respondents have prepared and published a combined seniority list of C & V teachers and Masters on 17.2.1993 in which the petitioner and others have been shown below the private respondents having regard to the length of service rendered in the respective cadre. As long as seniority list dated 17.2.1993 is not questioned by the petitioner. Question of promoting petitioner earlier to private respondents do not arise. Therefore, there is no infirmity in the order of reversion. Even at the time of challenging order of

reversion, the petitioners have not questioned the combined seniority list so also ranking assigned to the private respondents. In the absence of rectifying the seniority in the combined seniority list of C & V teachers and Masters to the extent that the petitioners are seniors to the private respondents, order of reversion is in order. Hence, no interference is called for in respect of the order of reversion dated 3.12.1998. In the meanwhile before retirement of petitioner/petitioners is/are eligible for promotion to the post of Lecturer in Punjabi be taken note of by the official respondents and extend the benefit of promotion from the date of eligibility.

Petition stands dismissed.

27.01.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**