

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

228

**CWP-26233-2015 (O&M)
Date of decision: 12.01.2017**

Hakumuddin

....Petitioner

Versus

State of Haryana and others

.... Respondents

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

Present: Mr. P.K.Chugh, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has assailed the order passed on 26.11.2015 Annexure P8 passed by the 2nd respondent by which the petitioner has been reverted from the post of S.S.Master to that of JBT Teacher.

2. On 30.07.2012 amongst others the petitioner was promoted to the post of Social Studies Master/Mistress in HES-III (School Cadre) in the grade of Rs.9300-34800+4600 Grade Pay with effect from 12.12.2010 from the post of JBT/HT & C&V Teachers. On 26.11.2015 the respondent passed the order reverting the petitioner to the post of JBT Teacher on the score that petitioner do not fulfil the requisite qualification as on 29.10.2010.

3. Learned counsel for the petitioner pointed out from Annexure P3 that he has passed relevant examination on 09.12.2010. Whereas, the date of promotion given effect from 12.12.2010 on 30.07.2012 that means as on 12.12.2010 one must be qualified for the promotion. Whereas the petitioner was qualified as on 09.12.2010 therefore, reverting the petitioner on the score that petitioner do not fulfil the qualification as on 29.10.2010 is highly arbitrary and illegal.

4. On the other hand, learned counsel for the respondents submitted that with reference to Annexure P3, the petitioner do not fulfil the requisite qualification as on 29.10.2010. The respondents have not pointed out under what circumstances one must have the qualification for promotion as on 29.10.2010 when promotion would be effective from 12.12.2010 even though, order was passed on 30.07.2012. Admittedly, on 12.12.2010, the petitioner fulfils the requisite qualification.

5. Therefore, the order dated 26.11.2015 vide Annexure P8 is set aside and CWP is allowed. The petitioner be allowed all consequential benefits including monetary benefits for the intervening period from the date of reversion order till date. Monetary benefits like difference of salary/pay shall be released within a period of 3 months from today.

12.01.2017

pooja saini

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

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No