

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CWP No.24966 of 2017
Date of decision:3.11.2017

Sukhbir Singh Gulia

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Ms.Anita Balyan, Advocate,
for the petitioner
...

AMOL RATTAN SINGH, J. (Oral)

This petition has been filed in the year 2017, challenging an order of the year 2008, by which the petitioner was reverted from the post of a Taxation Inspector to that of an Assistant, with the order stated to have been passed shortly before his retirement.

Learned counsel for the petitioner submits that the ground for reversion of the petitioner as an Assistant is that he did not clear the departmental examination that was statutorily required to be cleared as per the rules, within a period of 2 years from the date of his promotion. He was promoted on ad hoc basis on 18.8.1998 and his services were regularized on the post of a Taxation Inspector in the year 2002.

It is admitted that he did not clear all the papers of the examination, though he cleared 4 papers, with his answer to the show cause notice issued to him being that due to his family circumstances, he could not clear the remaining papers.

Be that as it may, the ground for challenge at this stage, as per learned counsel, is that in the year 2012, 5 other Taxation Inspectors were granted exemption from passing the departmental examination and therefore, the petitioner seeks the same benefit on the ground that he too was similarly placed as they are, and therefore deserves to have been granted relaxation from passing the exam., instead of a reversion, as a result of which he is getting lower pension, which is a continuously recurring action.

In respect of his grievance, the petitioner has got served a legal notice upon respondent no.1, a copy of which has been annexed as Annexure P-5 with the petition.

Consequently, without making any comment on the right of the petitioner to his claim, this petition is disposed of with a direction to the competent authority amongst the respondents to take a decision on the legal notice of the petitioner (Annexure P-5), dated 28.3.2017, by passing a speaking order, within a period of 3 months from the date of receipt of a certified copy of this order.

3.11.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No