

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 6088 of 2016
Date of Decision: March 10, 2017

Ram Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Sandeep Panwar, Advocate, for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

P.B. Bajanthri, J. (Oral)

1. In the present writ petition, petitioner has sought for quashing communication dated 15.03.2016 (Annexure P/5) issued by respondent No.5 by which he has been reverted from the post of EASI to Head Constable.

2. Petitioner was promoted to the post of EASI on 14.10.2015 on temporary basis. He has been reverted by respondent no.5 on 15.03.2016 vide Annexure P/5. Hence, the present petition.

3. Learned counsel for the petitioner vehemently submitted that petitioner has been promoted with reference to eligibility and after due examination of his service records on 14.10.2015. Now, abruptly on 15.03.2016, respondent No.3 has reverted the petitioner from EASI to Head Constable. While passing the order of reversion, the petitioner has not been heard in the matter. Reversion amounts to reduction in rank. Therefore, there is violation of Article 311 of the Constitution. Hence, the petitioner is entitled for notice before passing the order of reversion.

4. Per contra, learned State counsel resisted the claim of the

petitioner contending that his promotion to the post of EASI is purely temporary. He has no right over the post of EASI having regard to the nature of order of promotion dated 14.10.2015 (Annexure P/1). Consequently, before reverting him, he is not entitled for notice.

5. Heard learned counsel for the parties.

6. Reverting the petitioner from the post of EASI to Head Constable is admittedly without notice. Rightly or wrongly the petitioner has been promoted to the post of EASI on 14.10.2015 vide Annexure P/1 after due considering his service records and also eligibility. Therefore, reverting the petitioner on 15.03.2016 without assigning any reasons so also without issuing show cause notice as to why the petitioner's services could not be reverted to the post of Head Constable from EASI has not been complied while assigning reasons. Thus, Annexure P/5 is without notice to the petitioner. Hence, Annexure P/5 dated 15.03.2016 is liable to be set aside. Setting aside the order of reversion would not come in the way of passing a fresh order by 3rd respondent after giving due notice to the petitioner while assigning the reasons for proposal to revert the petitioner from EASI to Head Constable. After receipt of reply from the petitioner, 3rd respondent could proceed for passing further order in the matter in accordance with law.

7. Accordingly, instant writ petition stands allowed.

March 10, 2017

vkd

**[P.B. Bajanthri]
Judge**

Whether speaking / reasoned : Yes

Whether reportable : No