

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

**CM No.8251 of 2017 in/and
CWP No.6614 of 2017 (O&M)
Date of decision : 31.05.2017**

Rajinder Singh

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. K.S.Banyana, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

AJAY TEWARI, J.(ORAL)

CM No.8251 of 2017

For the reasons recorded, application is allowed. Replication along with annexures is taken on record.

CWP No.6614 of 2017

By this petition the petitioner has challenged the orders dated 21.05.2016 (Annexure P-5) and impugned order dated 08.02.2017 (Annexure P-8) vide which the benefit of promotion list 'E' and promotion to the rank of S.I. has been withdrawn, without any reason and justification after six years and he has been reverted to the rank of ASI.

The petitioner is a reserved category candidate who was promoted as Sub Inspector in the year 2010 by giving him the benefit of accelerated seniority. By order (Annexure P-3) he was informed that the benefit of accelerated seniority could not be granted for promotion and he

was asked to show cause why his promotion as Sub Inspector be not postponed from 01.05.2010 to 27.06.2014. The petitioner filed a reply but ultimately the reply did not find favour with the respondents and the impugned order (Annexure P-5) was passed. By the impugned order he was reverted. The primary grouse raised by the learned counsel for the petitioner is that once he was asked to show cause regarding postponement of promotion he could not be reverted and if he had to be reverted then it was mandatory for the respondents to ask him to show cause against the reversion. In the reply the contents of notice (Annexure P-3) have not been denied and the contents of (Annexure P-5) have also been accepted. However, the changed stand is sought to be justified.

In my opinion, whether or not there were good grounds for reverting the petitioner is not the issue. The issue is whether the respondents were bound by the show cause notice they had served upon the petitioner.

The contention of the learned counsel for the petitioner has to be accepted. Had the respondents wanted to revert the petitioner they should have issued him a notice to show cause against reversion and not against postponement of promotion.

In the circumstances, the orders (Annexure P-5) and (Annexure P-8) are set aside with all consequential benefits. The respondents are of course at liberty to move afresh in the matter in accordance with law.

Petition stands allowed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

31.05.2017

pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No