

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 5749 of 2014

Date of Decision: 13.11.2018

Vijay Kumar

...Petitioner

Vs.

Haryana State Coop. Agricultural Rural Development Bank Ltd and ors

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Hari Chand, Advocate,
for the petitioner.

Mr. Arun Sharma, Advocate
for the respondents.

RAJIV NARAIN RAINA, J. (Oral)

1. A reserve category candidate promoted to higher post by operation of rule of reservation on roster point earmarked for SC category cannot be reverted to the lower post to accommodate a general category candidate, like the petitioner, who may have been senior to him in service, say from level-I to level-II etc. The general category candidate can only catch up with the reserve category candidate and get the seniority restored over the accelerated promotee when he is promoted as per turn but he cannot insist that reserved category candidate should be reverted and he be promoted from retrospective date when his junior was promoted with aid of reservation policy and much less with all consequential benefits.

2. It may happen that general category candidate before he

catches up, superannuates from service on reaching the age of retirement. In such a situation, law cannot be of any help. Detailed reference to admitted facts is found hardly necessary to conclude the case on law.

3. Accordingly, as a result of the foregoing short discussion the petitioner has not made out a case for reversion of the private respondent to claim promotion from retrospective date, i.e. the date when the reserve category candidate was promoted by operation of rule of reservation in promotion. This petition has no life and must fail.

4. The petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

13.11.2018

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Whether speaking/reasoned : *Yes*
Whether reportable : *No*