

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

**CWP-6107-2019(O&M)
Date of decision : 7.3.2019**

Union of India and others

..... Petitioners

Versus

Rajwant Kaur and another

..... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE KULDIP SINGH**

Present:- Mr. G.S. Bal, Sr. Advocate with
Ms. Aarti Goyal, Advocate for the petitioners.

KULDIP SINGH, J.

Petitioners-Union of India and others have impugned the order dated 5.7.2018, (Annexure P-4) passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'the Tribunal') vide which the order reverting the applicant-respondent No.1 namely Rajwant Kaur to the post of Commercial Khalasi, which is lower than to one to which, she was appointed, was quashed.

The shorts facts which are required to be noticed for the purpose of disposal of the present petition are that applicant-respondent No.1 had initially joined the respondent-department i.e. Northern Railways as Mobile Booking Clerk on 31.5.1993. Her services were to be regularized after putting three years of service. She was granted temporary status w.e.f. 22.10.1993. Subsequently, her case was recommended for regularization as

Booking Clerk. Respondent-department held a qualifying test for regularization of the services in which applicant-respondent No. 1 failed. Now the respondent-department has passed the order reverting the applicant-respondent No. 1 from the post of Mobile Booking Clerk to the post of Commercial Khalasi on the ground that she has failed to qualify the test.

Applicant-respondent No. 1 claims that she cannot be reverted to the post lower than on which she was initially appointed and secondly, that after the lapse of 25 years of service, essential qualification prescribed for the post cannot be changed to her disadvantage.

We have heard learned counsel for the petitioner and have also carefully gone through the case file.

Learned counsel for the petitioners has not disputed that applicant-respondent No.1 was working as Mobile Booking Clerk since 31.5.1993 i.e. for almost more than 25 years. Though it is claimed that she was working on temporary basis. It is stated that in order to regularize the services, a qualifying test was taken in which applicant-respondent No.1 has failed. As many as 16 persons appeared for the said test out of which 5 qualified and 11 were declared failed. The reversion order is not denied.

We are of the view that applicant-respondent No. 1 has been working on the post of Mobile Booking Clerk for the last 25 years. She has gained sufficient experience after so many years and, therefore, respondent department cannot revert the applicant on the ground that she has failed in the qualifying test for regularization particularly when she might be nearing

retirement.

Applicant-respondent No.1 was initially appointed as Mobile Booking Clerk and merely on account of failure to pass the qualifying test she cannot be downgraded to the lower post. She has already gained sufficient experience of 25 years to work on the said post.

There is no illegality or infirmity in the impugned order dated 5.7.2018, (Annexure P-4) passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh.

Dismissed in limine.

(RAJIV SHARMA)
JUDGE

(KULDIP SINGH)
JUDGE

7.3.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	Yes