

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

CWP-18159 of 2020 (O&M)

Reserved on : 07.12.2021

Date of Pronouncement: 13.12.2021

Anju

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. APS Sandhu, Advocate for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.

Mr. R.K. Doon, Advocate for respondents No.2 to 4.

H.S. MADAAN, J.

1. Briefly stated the facts of the case as pleaded by petitioner Anju are that, on account of death of Sh. Surinder Singh, who was working with Sonapat Cooperative Sugar Mill (for short 'the mill') on regular basis on 27.10.2011, his widow Smt. Anju-present petitioner, had applied for appointment on compassionate grounds, however, no action was taken by the concerned authorities on her such request and it was on account of intervention by this Court by issuing direction in Civil Writ Petition No.12370-2014 filed by petitioner Anju, whereby her claim was accepted. Feeling aggrieved, the department had filed a Letters Patent Appeal before a Division Bench of this Court and thereafter, a Special Leave Petition was also filed in the Apex Court but failed to get that order by Single Judge set aside or modified. The respondent-mill was not

allowing the petitioner to join duties, as such, she filed a contempt petition before this Court and only then she was allowed to join duties as a Peon and the contempt petition was disposed of; vide office order dated 24.07.2020 passed by the Managing Director of the mill, the petitioner was directed to work in Accounts Department under directions of Accountant and to prepare vouchers, managing the accounts from purchase day book and to prepare bills and salary etc., in addition to discharging the duties which she was told to do so by Addl. Accountant in relation to all the works related to said department; however, vide order dated 21.10.2020, copy Annexure P-6, the earlier office order was cancelled and it was directed that petitioner will work in the sugar sale department as a Peon.

2. That order left the petitioner aggrieved and she has filed the present writ petition, seeking quashing of order dated 21.10.2020 (Annexure P-6) reverting her back to the post of Peon.

3. Notice of the writ petition was given to the respondents, who have put in appearance and are opposing the writ petition.

4. I have heard learned counsel for the parties besides going through the record.

5. Admittedly, the petitioner had been appointed as a Peon on compassionate grounds in the mill and she has been working in that capacity till date. It is not a case of an employee having been promoted and then reverted to the original post. It is certainly not a case of an employee having been given current duty charge of a higher post. As it transpires, the petitioner had simply been posted in the Accounts

Department with a direction to work under the Accountant in the form of preparing vouchers, bills etc., in addition to do any job as told by Addl. Accountant. Thus, it cannot be said that the petitioner appointed as a Peon, had in fact been deputed to work as a Clerk. Though, from perusal of order Annexure P-4, it comes out that the petitioner had been deputed to work under directions of Accountant with regard to preparing vouchers, bills etc., nevertheless, the petitioner was not to do that work exclusively but it was in addition to the work assigned to her by Addl. Accountant in relation to said department. Thereafter, such order had been withdrawn on 21.10.2020 vide order Annexure P-6. The petitioner is feeling unnecessarily aggrieved by such order. The petitioner having been appointed and posted as a Peon, she is expected and required to do work mostly of manual type, however, if instead of that work taking somewhat sympathetic view, the department has given her other work.

6. The petitioner does not get any vested right to state that she be allowed to continue doing that work and it is for the employer to see as to what sort of work is to be taken from an employee, considering his rank and post and no employee can dictate terms to an employer in that regard. The grievances of the petitioner are totally without any merit and unwarranted.

7. As far as judgment referred to by learned counsel for the petitioner, **State of Mysore Vs. R.. Kulkarni & Ors.**, 1972 AIR (SC) 2170 by the Apex Court wherein it was observed that when power of reversion is used for collateral or extraneous purpose, then order passed in that regard is liable to be quashed, is not helpful to the case of the

petitioner in any manner due to different facts, circumstances and the context in which such observations had been made. It was a case of officiating Wireless Operators working in newly formed State of Mysore being reverted to their original posts. The Mysore High Court had quashed the orders finding that those had been passed for a collateral or extraneous purpose resulting in a discrimination against the respondent struck by Articles 14 and 16 of the Constitution. It has been observed that reversion orders had been passed against the petitioners under the erroneous belief entertained by the authorities concerned in the former State of Bombay that all police officers belonging to the constabulary of the 4 'KANNAD' districts, which were transferred from the former State of Bombay to the new State of Mysore, must necessarily be sent to the new State of Mysore and could not serve in the new State of Bombay. It is certainly not a case of reversion of petitioner. The judgment does not help the petitioner in any way. I do not find anything wrong with the impugned order. No ground is there to interfere with such order by exercising the writ jurisdiction.

8. Thus, keeping in view the detailed discussion above, the petition is doomed for failure and is dismissed accordingly.

13.12.2021

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(H.S. MADAAN)
JUDGE

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