

593 (Ist case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9475-2002

Date of decision :12.09.2022

Suresh Kumar

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.K.Malik, Senior Advocate with
Mr. Samrat Malik, Advocate,
For the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the impugned order dated 18.06.2002 (Annexure P-3) vide which the petitioner was ordered to be reverted from Sub Divisional Officer to Junior Engineer.

2. Succinct facts first as pleaded in the petition. The petitioner was appointed on 14.12.1981 as Junior Engineer on adhoc basis. His services were regularized as Junior Engineer w.e.f. 01.11.1986. He was promoted as Sub Divisional Officer on 21.07.1999 (Annexure P-2). One Ashwani Rishi, respondent No.2 though senior to the petitioner but his claim was not considered for promotion w.e.f. 21.07.1999 as disciplinary proceedings were pending against him. The aforementioned disciplinary proceedings were finalized and a punishment of warning was imposed on Sh. Ashwani Rishi as well as recovery was ordered. Thereafter, Sh. Ashwani Rishi's was

considered for promotion from the date the petitioner was promoted. Consequently, vide impugned order dated 18.06.2002 (Annexure P-3) petitioner was ordered to be reverted.

3. Challenging the abovesaid order, the petitioner filed the instant writ petition and also prayed for interim stay of operation of the impugned reversion order.

4. While issuing notice of motion, vide order dated 21.06.2002, impugned reversion order was stayed. Petition was admitted for hearing on 28.10.2002. Under the umbrella of the said stay order, the petitioner continued to work as Sub Divisional Officer and has since retired as well from that post. As the petitioner, on account of abovementioned stay order, continued to work as Sub Divisional Officer and has even retired from that post, it is not necessary to go into the validity of the order impugned in this petition.

5. Retiral benefits, if not paid, shall be released to the petitioner as if the petitioner had retired as Sub Divisional Officer.

6. The writ petition is, accordingly, disposed of.

(ARUN MONGA)
JUDGE

September 12, 2022
Vandana

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