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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13328-1996 (O&M)

Date of Decision: 03.08.2023

AMARJEET SINGH

.....Petitioner

V/s.

**THE STATE OF PUNJAB THROUGH THE PRINCIPAL
SECRETARY TO GOVERNMENT, PUNJAB AND OTHERS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present None for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J (Oral)

1. The petitioner by way of this Writ Petition has prayed for quashing of the order dated 19.08.1996 (Annexure P-2) vide which he has been reverted from the post of District Food and Supplies Controller to that of District Food and Supplies Officer.

2. Vide order dated 30.08.1996, this Court has passed the following order:-

“On our asking, Mr. S. S. Shergill, Addl. A.G., Punjab, accepts notice on behalf of the respondent State.

We heard the counsel for the parties.

Respondents were directed by this Court in Civil Writ Petition No. 3540 of 1996 to hear all the persons who may be effected by the change of seniority; but respondents have not given effect to that direction in full, inasmuch as the petitioner was not afforded hearing while they sought to interfere with the seniority as seen from the communication Annexure P-7 dated September 7, 1995. Consequently, we direct the respondents to afford the petitioner hearing and to pass fresh orders before the

seniority as reflected by communication Annexure P-7 is interfered with, We make it clear that the respondents may hear all those parties who may be effected by the order to be passed in pursuance of the above directions. In the meantime, we direct the respondents not to revert the petitioner from the post of District Food and Supplies Controller. Respondents to pass the order pursuant to the above directions of this Court, on or before October 3, 1996.

Copy of this order will be given to the Addl. A.G., Punjab, without any delay.”

3. The petitioner's claim is that he could not have been reverted from the post of Assistant Food and Supplies Officer as there was no other senior Inspector was available from the General category who can be said to have been superseded the petitioner who is from the reserved category.

4. Shankar Dass, who was promoted as Assistant Food and Supply Officer from the post of the District Food and Supplies Controller, was admittedly from a different channel namely the ministerial quota and would therefore have no *lis* with the petitioner who has been promoted against the reserved quota.

5. In the circumstances, the reversion of the petitioner cannot be said to be justified.

6. The respondents were asked to file an additional affidavit with respect to the aspects but they have placed on record the seniority list which has been drawn and Shankar Dass has been relegated at Sr. No.169-B while the petitioner Amarjit Singh was placed at Sr. No.203.

7. By another order dated 27.06.1995, the petitioner has been again promoted in the pay scale of ₹2200-₹4000 on the post of Assistant Director/District Food and Supplies Controller.

8. In the circumstances relief claimed by the petitioner stands granted substantially and therefore, the interim order passed by this Court (Supra) is confirmed and made the Rule of the Court.

9. No further orders are required to be passed in this Writ Petition and the same is disposed of accordingly.

10. Pending application(s), if any, shall stand(s) disposed of.

August 3, 2023

Ess Kay

[SANJEEV PRAKASH SHARMA]

JUDGE

Whether speaking / reasoned : *Yes/No.*

Whether Reportable : *Yes/No*