

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

1364

2023:PHHC:101670

RSA-202-1993

Date of decision: 07.08.2023

STATE OF PUNJAB

..Appellant

Versus

PARSHOTAM LAL & ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Chopra, DAG, Punjab.

Mr. Vikas Kumar Gupta, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. The correctness of the concurrent findings of fact arrived at by the Courts below is assailed in this second appeal. The respondent filed a suit for decree of declaration, the order reverting the plaintiff from the post of clerk to peon is illegal, null and void.
2. Both the Courts on appreciation of evidence found that in the order of promotion of the plaintiff, there was no stipulation that the plaintiff will have to clear departmental test.
3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the judgments passed by the Courts below along with the requisitioned record.
4. The learned counsel representing the appellant failed to draw the attention of the Court to any instructions, rules or policy decision, which may require the plaintiff to pass a test. The plaintiff was reverted only because he failed to pass the test.

5. In any case, the plaintiff was appointed in the year 1981. More than 42 years have elapsed. He must have retired on attaining the age of superannuation.
6. Hence, no ground to interfere is made out.
7. Dismissed accordingly.
8. All the pending miscellaneous applications, if any, are also disposed of.

August 07th, 2023
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(ANIL KSHETARPAL)
JUDGE

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