

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CWP No. 19126 of 2023
Date of Decision : 01.09.2023

Satish Kumar and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Subhash Ahuja, Advocate for the petitioners.

Mr. Tapan Kumar Yadav, Deputy Advocate General,
Haryana.

Mr. Ashwani Talwar, Advocate for respondents No. 3 to 6.

Harsimran Singh Sethi J. (Oral)

1. The present petition has been filed challenging the order dated 21.08.2023 (Annexure P-9) by which the petitioners have been reverted from the post of Deputy Superintendent to that of Assistants and that too without issuing any show cause notice.

2. Notice of motion.

3. On the asking of the Court, Mr. Tapan Kumar Yadav, learned Deputy Advocate General, Haryana., who is present in Court, accepts notice on behalf of the respondent-State.

4. Mr. Ashwani Talwar, Advocate appears and accepts notice on behalf of respondents No. 3 to 6.

5. Learned counsel for the respondents submits that the impugned order dated 21.08.2023 (Annexure P-9) reverting the petitioners has been passed keeping in view the order dated 30.01.2019 (Annexure P-4) passed by the Division Bench in LPA No. 2019 of 2017 titled as *Shamsher Singh and others Vs. Balwant Singh and others*, by which, the reversion of the private respondents has been stayed.

6. Learned counsel for the petitioners submits that the judgment, which is impugned in LPA No. 2019 of 2017 is not stayed and as per the said judgment of the learned Single Judge, the petitioners are to be treated senior to the private respondents and only the reversion of the private respondents has been stayed from the post on which they were working on the relevant date, hence, passing the impugned order on the basis of the interim order is without appreciating the same in the correct perspective.

7. Learned counsel for the private respondents No. 3 to 6 concedes the factum that as of now, only their reversion has been stayed by the Division Bench keeping in view the order passed dated 30.01.2019 in LPA No. 2019 of 2017 and the judgment of the learned Single Bench has not been stayed.

8. At this stage, learned counsel for the petitioners submits that keeping in view the factum that the reversion of the petitioners has been ordered on the basis of the interim order dated 30.01.2019, which is, *prima-facie*, incorrect, the same is liable to set-aside. Learned counsel for the petitioners further submits that even otherwise, once the promotions

were ordered, even if the same has to be withdrawn on the basis of any court order, the show cause notice is to be given so as to seek explanation of the employee concerned, which fact is missing in the present case.

9. Learned counsel for the respondent-State submits that in case, the petitioners raise any grievance qua the impugned order of reversion, due consideration will be given to the said representation keeping in view the facts and circumstances of the present case and an appropriate order will be passed within a period of eight weeks of the receipt of any such representation.

10. Keeping in view the above, the present petition is disposed of with a direction to the petitioners to file appropriate representation raising grievance qua the impugned order of reversion dated 21.08.2023 (Annexure P-9). As the respondents have undertaken to consider the representation filed by the petitioners, till the representation is decided, the impugned order of reversion dated 21.08.2023 (Annexure P-9) be kept in abeyance.

11. Petition is disposed of in above terms.

September 01, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No