



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205) CWP-16758-1998 (O&M)
Date of Decision : 13.09.2024

Madan Mohan Naib Tehsildar ...Petitioner

Versus

State of Punjab and others ...Respondents

(205) CWP-14289-2014 (O&M)

Madan Mohan ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashwani Kumar Chopra, Senior Advocate with
Mr. Vidul Kapoor, Advocate for the petitioner in both cases.

Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being decided as both these petitions involve the same question of law on similar facts.
2. In the present petitions, the grievance of the petitioner is qua the order dated 22.10.1998 (Annexure P-5) by which the petitioner was reverted from the post of Naib Tehsildar to that of Senior Assistant.



3. While issuing notice of motion on 30.10.1998, the reversion of the petitioner was stayed. Thereafter, on 21.12.1999 the interim order was vacated, which was challenged before the Hon'ble Supreme Court of India in SLP No. 2251 of 2000 and the order dated 21.12.1999 was set-aside. Consequently, the petitioner continued working on the post of Naib Tehsildar.

4. Learned senior counsel appearing on behalf of the petitioner submits that the second petition i.e. CWP No. 14289 of 2014 has been filed by the petitioner claiming the benefit of the post of Naib Tehsildar including the grant of ACP, which was not granted to him on the ground that the petitioner is continuing on the post of Naib Tehsildar under the interim orders of the Court. Learned senior counsel further submits that the petitioner has already retired from service on 31.01.2015 hence, as of now, the respondents cannot give effect to the order of reversion as, factually the petitioner has worked on the post of Naib Tehsildar from the date of passing of the impugned order till his retirement, hence, the said order be not given effect to any further.

5. Learned State counsel has not been able to dispute the fact that after the passing of the impugned order of reversion from the post of Naib Tehsildar to that of Senior Assistant, the petitioner continued working on the post of Naib Tehsildar under the interim order till he retired.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. Once, the petitioner retired from service on the post of Naib Tehsildar, the respondents are directed not to give effect to the said order of



reversion as the same cannot be implemented keeping in view the factual position stated here-in-before.

8. With regard to the grant of certain service benefits, which were not extended to the petitioner due to the fact that he was continuing under the orders of the Court, respondents are directed to treat the petitioner as a regular Naib Tehsildar by ignoring the impugned order dated 22.10.1998 (Annexure P-5) and whatever the service benefit which the petitioner is found entitled for upto the date of his retirement, the same be extended to him with all consequential benefits including the revised pensionary benefits and the revised pension in case, the same are admissible to the petitioner.

9. Let appropriate order be passed with regard to the claim of the petitioner of the service benefits by treating the petitioner as a Naib Tehsildar within a period of three months of the receipt of copy of this order and whatever benefits the petitioner is found entitled for, be released within a further period of three months.

10. Petitions are disposed of accordingly.

11. Pending miscellaneous application, if any, also stands disposed of.

12. A photocopy of this order be placed on the file of connected cases.

September 13, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No