

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

RSA-2228-1994
Date of decision: 05.01.2024

STATE OF HARYANA & ORS. ..Appellants

Versus

SAT PAL ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Vibha Tewari, AAG, Haryana
& Mr. J.S. Pannu, AAG, Haryana.

Mr. R.P.S. Ahluwalia, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the State of Haryana and its officials assail the correctness of the concurrent findings of fact arrived at by the Courts below while decreeing the respondent's suit for grant of decree of declaration that his order of reversion from the post of Head Blacksmith to the post of Blacksmith is illegal, null and void.
2. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed.
3. Originally, the respondent was appointed as a helper in the year 1969. Subsequently, he was absolved as Blacksmith in the same year. On 08/09.04.1983, he was promoted as a Head Blacksmith. However, after a period of five months, he was reverted from the post of Head Blacksmith to Blacksmith. He filed a suit on 24.04.1984. The defendants contested the suit on the ground that the plaintiff was inadvertently promoted as a Head

Blacksmith against the reserved post for Scheduled Castes, whereas, the respondent belongs to general category.

4. Both the Courts have found that at the relevant time, there were two vacancies for promotion to the post of Head Blacksmith out of which, one was available for general category, whereas, the second was reserved for Scheduled Castes. It has also come on record that in the order promoting the respondent, it was not specified that the respondent has been promoted against the post reserved for Scheduled Castes.

5. Moreover, it has been found by both the Courts below that the order of reverting the respondent has been passed without following principles of natural justice and it is not a speaking or reasoned order.

6. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

7. The learned counsel representing the appellant submits that the impugned judgments have been passed on technical ground and therefore, the appeal should be accepted. While elaborating, she submits that the respondent was inadvertently promoted against the post meant for Scheduled Castes. This Court has considered the submissions of the learned counsel representing the parties.

8. The learned First Appellate Court in para 10 has specifically observed that an official of the State of Haryana-appellant was examined in evidence as DW-1. He admitted that there were two vacancies of Head Blacksmith and only one vacancy was meant for general category. He also admitted that the appellant on the basis of seniority-cum-merit is entitled to the said post, as compared to Sh. Hukam Chand. Furthermore, it was not

mentioned in the order that the respondent has been promoted against the vacancy reserved for the Scheduled Castes.

9. The learned counsel representing the State of Haryana has informed the Court that during the pendency of the suit, the respondent was promoted as a Head Blacksmith vide order dated 09.02.1994.

10. Keeping in view the aforesaid facts, no ground to interfere is made out.

11. Dismissed accordingly.

12. All the pending miscellaneous applications, if any, are also disposed of.

January 05th, 2024

(ANIL KSHETARPAL)
JUDGE

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