

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

286

CWP-27843-2023 (O&M)
Date of Decision :02.04.2024

Ramphal

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anmol Dut Sharma , Advocate for the petitioner.

Mr. Harish Nain. AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. Learned counsel for the petitioner submits that the petitioner was initially appointed with the respondent-department on group-D post of Peon and, thereafter, he was promoted on group-C post of Clerk in the year 2016. Learned counsel for the petitioner further submits that no benefit of increment after the said promotion has been extended to the petitioner as he has not been able to pass the SETC exam, which is necessary to get the benefit of increment on group-C post. Learned counsel for the petitioner further submits that keeping in view the education qualification of the petitioner and the fact that in the entire service career, the petitioner has worked on group-D post of peon, he is not in a position to clear the said SETC exam hence, he requested the respondents for his reversion from group-C post to group-D post, which request of the petitioner has not been accepted by the respondents.

2. Learned counsel for the petitioner submits that the petitioner is also ready to refund the financial benefit, which he got while working on group-C post so as to get continuity on the post of Peon in group-D cadre and any amount which the respondent-department will calculate, will be paid by the petitioner so that the petitioner be reverted back to group-D post.

3. Learned counsel for the respondents submits that the petitioner was promoted in the year 2016 on group-C post as Clerk and he raised no grievance qua the same and now when he is about to retire from service, he has filed the present petition for his reversion from group-C to group-D post so as to get continuity in service upto the age of 60 years hence, the request of the petitioner may kindly be rejected.

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

5. In certain cases preference is to be given to the facts of the case. In the present petition, the petitioner who has worked in his entire service career on group-D post as Peon, has not been able to clear the SETC exam, which is mandatory to get the benefit of increment on the post of Clerk i.e. group-C post. The situation is that though the petitioner has been designated as clerk but for all intent and purposes, he has not got any financial benefit out of the said promotion, which he was granted in the year 2016. He could not get any increment while working as Clerk as he could not clear the SETC, which is mandatory. When petitioner did not get any financial benefit of the said promotion, he has requested for reversion from group-C post to Group-D post so that the other benefits for which, he is entitled for, while working on group-D post can be availed by him. While

working on group-C post, the petitioner will retire on attaining the age of 58 years whereas, while working on group-D post, he is entitled to continue upto the age of 60 years.

6. Further, learned counsel for the petitioner has undertaken before this Court that the petitioner will refund the financial benefit, if any, which he has received while working on group-C post, including extra salary, which he got after his promotion as Clerk from the year 2016.

7. That being the position, the respondents should have considered the claim of the petitioner for his reversion from group-C to group-D post. Even while working on a group-C post, financial benefit being extended to the petitioner is virtually of group-D post.

8. Contention of the learned counsel for the petitioner that on an earlier occasion also, group-C employee has been reverted to group-D post has gone unrebutted but learned counsel for the respondents submits that though, said assertion of the learned counsel for the petitioner is correct but after 2021 no one has been allowed the said benefit of reversion from a group-C post to a group-D post.

9. Keeping in view the fact that benefit of reversion has been allowed to the other employees, who were working on group-C post in order to allow them to continue up to the age of 60 years and in view of the fact that no financial benefit has been gained by the petitioner upon his promotion to group-C post of clerk since 2016, the petitioner has a right to decide his fate so as to allow him to continue up to the age of 60 years by seeking benefit of reversion.

10. Keeping in view the facts and circumstances recorded hereinbefore, present petition is allowed. The respondents are directed to

allow the benefit of reversion to the petitioner to the post of Peon, which he was holding prior to his promotion to the post of Clerk. It is made clear that the said order of reversion of the petitioner will be passed after the petitioner deposits the extra financial benefit, which he has availed while working on group-C post of clerk from the year 2016. Let respondents calculate the said amount and furnish the same to the petitioner within a period of seven days, which the petitioner will deposit, as undertaken, within a period of 04 weeks thereafter.

- 11. Respondents are directed to allow the petitioner to continue in service on group-D post till the age of 60 years.
- 12. Civil miscellaneous application pending, if any is disposed of.

April 02, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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