

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

116+284

CWP-9691-2024 (O & M)
Date of Decision: 10.03.2025

Rajbir Singh

.....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. S.S. Sahu, Advocate,
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

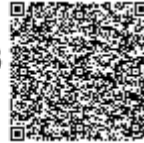
Mr. Rajvir Singh Sihag, Advocate, for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of orders dated 29.03.2024 (Annexure P-14), 30.03.2024 (Annexure P-15) and 24.02.2015 (Annexure P-1) whereby respondents have rejected his representation for demotion to the rank of Peon and permit him to continue till the age of 60 years.

2. The petitioner joined respondent as Peon on 21.04.1986. He came to be promoted to the post of Clerk in 2015. He drew salary of Clerk from 2015 to 30.03.2024 i.e. his date of superannuation. He filed representation dated 16.12.2023 with respondent to revert him to the post of Peon so that he may continue till the age of 60 years.

3. Mr. Sahu submits that a co-ordinate Bench of this Court in ***CWP-7158-2022, Amin Khan vs. State of Haryana and others*** and ***CWP-11729-2021, Mohammad Khan vs. State of Haryana and others*** has directed the respondent to revert the petitioner(s) so that they may continue till the age of 60



years.

4. Mr. Sihag submits that petitioner enjoyed status of Clerk from 2015 till December' 2023. In December' 2023, three months prior to his superannuation, he turned around and asked for reversion from the post of Clerk to Peon. In the instant case, the facts are entirely different from orders cited by petitioner. In those cases, the employees made request within few months or few years whereas in the instant case, petitioner continued to work for more than 8 years and at the fag end of his career, requested for reversion.

5. I have heard the arguments and perused the record.

6. From the perusal of record, it is evident that petitioner joined respondent as Peon on 21.04.1986. He was promoted to the post of Clerk by order dated 24.02.2015. He retired on attaining the age of superannuation on 30.03.2024. He retired as Clerk. A Peon is eligible to continue till 60 years. He filed instant petition before this Court in April' 2024 i.e. after his retirement. He also filed CWP-7037-2024 which was disposed of with a direction to respondent to decide his representation. The said petition was also filed in the month of March, 2024. The petitioner is relying upon orders of co-ordinate Benches of this Court wherein respondents have been ordered to revert the petitioner(s) and permit them to continue till 60 years. The facts of those cases are distinguishable. In the instant case, the petitioner enjoyed status of Clerk from February' 2015 to March' 2024 and requested respondent to revert him in December' 2023. The object to promotion would be defeated if at this stage petitioner is permitted to turn around. The petitioner is trying to take somersault. By his act and conduct, he acquiesced promotion and got higher status as well as salary for a long period i.e. 8 years.



- 7. In the backdrop, the instant petition deserves to be dismissed and accordingly dismissed.
- 8. Pending application shall also stand disposed of.

10.03.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No