



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

250

CWP-29171-2019 (O&M)

Date of decision: 11.02.2025

Dinesh Kumar Gaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Arjun Pratap, Advocate for the petitioner.

Mr. Arun Gupta, DAG, Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing of show cause notice dated 15.01.2019, Annexure P-3 as well as order of reversion dated 30.09.2019, Annexure P-4.

2. This Court vide order dated 04.10.2019, had ordered the impugned order dated 30.09.2019 be kept in abeyance, noticing the submissions that the departmental exam could have been passed within 2½ years from the date of promotion, which in the case of the petitioner were ending on 30.06.2019, however, the show cause notice of reversion was issued on 30.09.2019. This Court in CWP-14200 of 2012 and other connected petitions, titled **Naresh Chander Sharma and others versus State of Punjab and another**, decided on 26.11.2018, had also considered the aspect of granting exemption/waiver/relaxation from qualifying departmental examination to all the petitioners who had retired from service.

3. While issuing notice of motion on 04.10.2019, the following order



was passed:-

“*Inter alia* contends that ostensibly on the ground of non-qualifying the departmental examination as envisaged under Rule 8 of Punjab Excise and Taxation Department (Group A) Service Rules, 2014 read with Rule 7 of Punjab Civil Services (General and Common Conditions of Service) Rules, 1994, the petitioner vide order dated 30.09.2019 (Annexure P-4), impugned herein, is being reverted from the post of Excise and Taxation Commission Officer to that of an Inspector.

Learned Senior Advocate appearing for the petitioner has drawn my specific attention to Rule 8, *ibid*, which clearly shows that a person on promotion has to pass the departmental examination within a period not exceeding two and a half years from the date of his appointment.

Petitioner was appointed on the promotional post on 30.12.2016 though with effect from 30.04.2010 and thus had a clear period of two and a half years ending on 30.06.2019. Whereas, a show cause notice (Annexure P-3) was issued to the petitioner on 15.01.2019, way prior to 30.06.2019.

Learned Senior counsel for the petitioner further contends that Rule 6 of 1994 Rules envisages that where specific service Rules have been made for a particular service pertaining to departmental examination then Rule 7, *supra*, shall not be applicable.

Notice of motion for 01.11.2019.

On advance service of copy of the petition, Ms. Anu Chatrath, Senior Advocate with Ms. Ambika Sood, D.A.G.Punjab. accepts notice on behalf of the respondent-State and seeks time to file return.

Till the next date of hearing, operation of impugned order dated 30.09.2019 (Annexure P-4) shall be kept at abeyance.”

4. The petitioner is stated to have since retired in the year 2021, in which regard, reference is made to the judgment by the Division Bench of this Court dated 21.02.2013 passed in CWP-837-2005 titled as **Sudarshan Kumar Sharma vs. The State of Punjab and others**, disposal of the matter in view of the same could not, despite best efforts of learned State counsel, be resisted and reads thus:-



“The petitioner was appointed as Sanitary Inspector, Municipal Committee, Ludhiana and he earned promotions from time to time. In the year 1994, he was promoted as Superintendent Vaccination. Thereafter, in the year 1997, he was given promotion to the post of Registrar (Births & Deaths), Municipal Corporation, Ludhiana vide orders dated 28.5.1997. Subsequently, show cause notice dated 16.1.2003 was issued to him which culminated in his reversion from the post of Registrar (Births & Deaths). Challenging these orders, the petitioner filed the instant writ petition. The petitioner also prayed for interim stay of operation of the reversion orders. Interim orders were passed in his favour by this Court. Under the umbrella of the said stay orders, the petitioner continued to work as Registrar (Births & Deaths) and has since retired as well from that post on 31.12.2009. As the petitioner, on account of stay order, continued to work as Registrar (Births & Deaths) and has even retired from that post, it is not necessary to go into the validity of the orders impugned in this petition.

Retiral benefits, if not paid, shall be released to the petitioner as if the petitioner had retired as Registrar (Births & Deaths).

The writ petition is, accordingly, disposed of.”

5. The petition is disposed of in terms of **Sudarshan Kumar Sharma** (supra).

(AMAN CHAUDHARY)
JUDGE

11.02.2025
dinesh

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