

(1986) 02 AHC CK 0041

Allahabad High Court (Lucknow Bench)

Case No: Writ Petition No. 1719 of 1979

Shiva Janam Pandey

APPELLANT

Vs

State of U.P.& Another

RESPONDENT

Date of Decision: Feb. 3, 1986

Hon'ble Judges: U.G.Srivastava, J and S.G.Mathur, J

Final Decision: Allowed

Judgement

S.C. Mathur, J.

Shiva Janam Pandey has directed this petition against the order dated 11th July, 1979, Annexure 3, whereby he has been reverted from the post of Block Development Officer and to the post of Assistant Development Officer and simultaneously placed under suspension. It appears that during pendency of the writ petition an enquiry was held against the petitioner in respect of alleged misconduct committed by him. In this enquiry he was exonerated by the enquiry officer through his report dated 24th April, 1960, Annexure 7 to the supplementary affidavit. In view of the exoneration the petitioner was reinstated but instead of being reinstated post of Block Development Officer he was reinstated on the post of Assistant Development Officer. The further grievance raised by the petitioner is that he has not been paid salary of the post of Block Development Officer.

2. A perusal of the impugned order of reversion, Annexure 3, shows that it is stigmatic in nature. On this ground alone the writ petition deserves to be allowed. Learned counsel for the State tried to submit that the petitioner had been promoted to the post of Block Development Officer on adhoc and officiating basis. It may be so but once the order of reversion is stigmatic it will have to be quashed unless the reversion has been brought about after holding enquiry.

3. The learned counsel for the State has submitted that the petitioner's promotion to the post of Block Development Officer was at the district level and therefore the petitioner does not have a right to hold the post. He has further submitted that if somebody senior to the petitioner has been posted in the district the petitioner

cannot claim reinstatement on the post of Block Development Officer. It may be open to the opposite parties to revert the petitioner in exigencies of service but once stigma is attached the order of reversion will have to be quashed.

4. Once it is found that the order of reversion is invalid obviously the petitioner will be entitled to balance amount of salary.

5. In view of the above the petition succeeds and is hereby allowed. The impugned order of reversion dated 11th July, 1979 contained in Annexure 3 is hereby quashed and the opposite parties are directed to make payment of the balance amount of salary to the petitioner within two months from the date of presentation of a certified copy of the judgment before the opposite party No. 2. It shall, however, be open to the opposite parties to make appropriate orders regarding petitioner's post and posting in accordance with law. The petitioner shall be entitled to his costs from the opposite parties.

[Petition allowed]