Shiva Janam Pandey Vs State of U.P.& Another

Writ Petition No. 1719 of 1979

Court: Allahabad High Court (Lucknow Bench)

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, I960, Annexnre 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]