

(2010) 12 SHI CK 0046
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 9478 of 2008

Piare Lal.

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 27-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0046

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Rajiv Sharma, J.—The Petitioner, on the basis of recommendations of Departmental Promotion Committee, was promoted to the post of Clerk on 29.2.1988 (Annexure A-2). However, vide office order dated June 23, 2003 (Annexure A-11) his date of promotion has been altered from 29.2.1988 to 27.6.1994. Admittedly, the Petitioner has not been heard before issuance of office order dated 23rd June, 2003. Once the Petitioner has been promoted to the post of Clerk, that too, on the basis of recommendations of Departmental Promotion Committee, his date of promotion could not unilaterally be altered from 29.2.1988 to 27.6.1994. The Petitioner has been working on the higher post on the basis of Annexure A-2. The Petitioner has also been placed in the higher pay-scale pursuant to Annexure A-2. Since the status and salary of the Petitioner has been reduced without hearing him, he has suffered civil and evil consequences. The Petitioner ought to have been heard before issuance of Annexure A-11, dated 23rd June, 2003.

2. Consequently, the petition is allowed. Annexure A-11, dated 23rd June, 2003 is quashed and set aside. However, liberty is reserved to the Respondents to proceed with the matter in accordance with law. However, while dealing with the matter, the Respondents shall take into consideration that the Petitioner had been working on the higher post actually with effect from 29th February, 1988 till date. The pending application(s), if any, also stands disposed of. No costs.