

**(1996) 08 AHC CK 0141**  
**In the Allahabad High Court**  
**Case No : C.M.W.P. No. 33104 of 1992**

Tejpal Singh

APPELLANT

Vs

Inspector General of Registration and Another

RESPONDENT

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**Date of Decision :** 07-08-1996

**Acts Referred:**

**Citation :** (1996) 3 UPLBEC 2118

**Hon'ble Judges :** A.B. Srivastava, J

**Bench :** Single Bench

**Advocate :** Satya Prakash, for the Appellant;

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## Judgement

A.B. Srivastava, J.—Heard the learned Counsel for the Petitioner and the learned Standing Counsel.

2. The Petitioner in this writ petition was initially appointed to the post of Registration Clerk in the Department of Registration in District Etah. He claims to have been promoted to the post of Chief Registration Clerk with prior approval of the Inspector General of Registration U.P.

3. His grievance is that by his order dated 19.6.1992 Annexure 7 to the writ petition, the Respondent No. 1 has directed posting of one Om Prakash Agarwal as Officiating Chief Registration Clerk, Etah which order tends to interfere with his status as Chief Registration Clerk.

4. On a perusal of the record, it is found that the Petitioner was promoted as Chief Registration Clerk on the strength of the approval accorded by the competent authority by means of his order dated 11.9.1990 Annexure-6 to the writ petition. It is true that there is nothing to show that the Petitioner was confirmed on the said post but all the same it is clear that the Petitioner's promotion was made after due approval and in a clear vacancy. The impugned transfer order which has the effect of depriving the Petitioner of the said promotional post, without even saying that it is a reversion, and that too a permissible one, thus is unsustainable. Power to transfer cannot, in law, be used

as a device to revert to a lower post. By means of interim writ issued on 8.9.1992, the Petitioner has already been allowed to function as Chief Registration Clerk.

5. For the above stated reasons, therefore, the impugned order dated 18.6.1992 in so far as it adversely affects the Petitioner in holding the post of Chief Registration Clerk is quashed. It is, however, made clear that this would not be treated as automatic confirmation of the Petitioner on the said post rather the same would be liable to be done in accordance with rules.

6. There shall be no order as to costs.