

ishwarsingh Vs. State and ors.

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Court : Rajasthan

Decided On : Aug-29-1995

Reported in : 1995(2)WLN108

Judge : B.J. Shethna, J.

Appeal No. : S.B. Civil Misc Stay Appication No. 563 of 1985

Appellant : ishwarsingh

Respondent : State and ors.

Disposition : Petition allowed

Judgement :

B.J. Shethna, J.

1 Heard learned Counsel for the petitioner.

2. The petitioner has challenged in this petition the impugned order dated 19.3.85 passed by respondent No. 3 reverting the petitioner from the post of Tehsil Revenue Accountant (TRA) to the post of Upper Division Clerk (DDC). This Court stayed the operation of that order No. 4.4.85 in Stay Petition No. 542/85 and the stay was confirmed on 7.4.86.

3. During the pendency and final disposal of this petition, the petitioner came to be retired in 1992, as stated at the bar by the learned Counsel for the petitioner.

4. The main ground under challenge in this petition is that while retaining the junior to the petitioner, the petitioner was reverted by the impugned order. The respondents have filed the reply, but they could not dispute the fact that the Juniors of the petitioner were continued in service. If his junior is continued then the petitioner cannot be reverted.

5. In view of the above discussion, this petition is allowed. The impugned order dated 19th March, 1995 reverting the petitioner from the post of Tehsil Revenue Accountant to Upper Division Clerk is set-aside. However, there shall be no order as to costs.

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