

SUPREME COURT OF INDIA

Krishan Kumar

Vs.

State of Haryana

(G Pattanaik and R Sethi JJ.)

17.01.2002

ORDER

1. This appeal is directed against the impugned judgment of the Punjab and Haryana High Court where the question for consideration was whether the collector at Hissar was justified in refusing the appellant to continue in the promoted post of Kanungo. The impugned order proceeds on the assumption that the transfer of the appellant from Rohtak to Hissar initially in the year, 1993 was on his request and not in the exigency of public service and this assumption also is based on the fact that no TA, DA had been allowed. There is not an iota of paper to indicate that at any point of time appellant had requested for his transfer from Rohtak to Hissar. That being the position, the ultimate conclusion and/or assumption of the court that the transfer was on his request cannot be sustained. Necessarily, therefore, the appellant having been promoted to the post of Kanungo in the district of Bhiwani, and he was transferred also as Kanungo to the district of Hissar, the collector at Hissar could not have directed him to join in the post of Patwari. The direction of the collector, Hissar, therefore is set aside, and the appellant is entitled to continue as Kanungo until any reversion, if at all, is taken in accordance with law. This appeal is accordingly allowed. The appellant through his counsel also stated that he will have no grievance to go back to the district Bhiwani as Kanungo.