

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**Case : WP (C) No. 1020/2024
CM No. 2567/2024**

Mohd. Qasim

...Petitioner(s)

Through :- Mr. Rahul Pant, Sr. Advocate with
Mr. Anirudh Sharma, Advocate.

V/s

UT of J&K and others

.....Respondent(s)

Through :-

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

**ORDER
10.05.2024**

1. The petitioner, by the medium of instant petition, has challenged order No. 937-DULBJ of 2023-24 dated 30.03.2024, whereby he has been demoted from the post of Sanitary Inspector to the post of Sanitary Supervisor and recovery to the tune of Rs.13,83,814/- has been ordered to be effected from the salary/retiral benefits of the petitioner.
2. Learned Senior counsel appearing for the petitioner has submitted that petitioner, who was initially appointed as Sanitary Inspector could not have been reduced to the rank of Sanitary Supervisor, a post to which the petitioner was never appointed nor had he held the said post during his service tenure.
3. The learned Senior Counsel placing reliance upon the judgment of the Supreme Court in case of **Nyadar Singh Vs. Union of India and others, (1988) 4 SCC 170** has contended that such a course is not open to the employer. It has been further contended that the petitioner was never associated with the enquiry alleged to have been conducted against him.

4. Issue notice to the respondents subject to the petitioner's taking necessary steps within a week's time.
5. Be listed on 15.07.2024.
6. In the meanwhile, the impugned order dated 30.03.2024 shall remain stayed.

(Sanjay Dhar)
Judge

JAMMU :
10.05.2024
Pawan Chopra

