

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.5808 OF 2009

SUBHASH CHANDER BHATIA

Appellant(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

O R D E R

Aggrieved by the judgment dated 28.3.2008 in Civil Writ Petition No.13832 of 2005 of the High Court of Punjab and Haryana, the unsuccessful petitioner preferred a special leave petition. Leave was granted and hence the appeal.

The said writ petition was filed challenging the order dated 20.8.2005 of the Respondent No.2-University by which the appellant was reverted from the post of Superintendent to the post of Assistant. The appellant was promoted to the post of Superintendent by an earlier order dated 5.11.1999 of the respondent No.2-University.

By the impugned order dated 20.8.2005, the appellant was not only reverted as mentioned above but it was also directed that the "amount of salary drawn by virtue of his promotion be recovered from him in instalments".

Heard Mr. Manoj Swarup, learned counsel for the appellant and learned counsel appearing for the University.

We do not see any reason to interfere with the judgment under appeal in so far as it upheld the order of revision. However, the judgment in so far as it upheld the recovery of money from the appellant is unjust. The appellant is nowhere responsible for all the errors committed by the respondent-University when he was promoted to the post of Superintendent. Therefore, we are of the opinion that it will be unjust at this stage to recover the "excess amount of salary" from the appellant.

We accordingly direct the respondent-University not to recover any amount as indicated in the order of reversion dated 20.8.2005 passed by the respondent-University. The appeal is accordingly partly allowed.

.....J.
[J. CHELAMESWAR]

.....J.
[ABHAY MANOHAR SAPRE]

NEW DELHI
SEPTEMBER 08, 2016

ITEM NO.101

COURT NO.5

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5808/2009

SUBHASH CHANDER BHATIA

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STATE OF HARYANA & ORS.

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Date : 08/09/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Appellant(s) Mr. Manoj Swarup,Adv.
Mr. Ankit Swarup,Adv.
Ms. Tanya Swarup,Adv.
Mr. Ajay Kumar,Adv.

For Respondent(s) Ms. Kadambari,Adv.
Ms. Abha Sinha,Adv.
Mr. Rameshwar Prasad Goyal,Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is partly allowed, in terms of the signed
order.

[O.P. SHARMA]

AR-cum-PS

(signed order is placed on the file)

[RAJINDER KAUR]

COURT MASTER