

HIGH COURT OF JAMMU AND KASHMIR **AT JAMMU.**

SWP no. 1174/2005

CMP no. 1355/2005

Date of Decision: **19.02.2009**

Girja Raina

v.

State and ors

Coram:

MR. JUSTICE J.P.SINGH, JUDGE.

Appearing Counsel:

For Petitioner(s) : Ms. Anita Tickoo, Advocate.

For Respondent(s) : Mr. Vinod Bakshi, Dy. A.G.

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|-----|--|---|---------|
| i) | Whether to be reported
in Press/Journal/Media | : | Yes/No. |
| ii) | Whether to be reported
in Digest/Journal | : | Yes/No. |

1. Petitioner has filed this writ petition for quashing Forest Order No. 27 of 2005 dated July 23, 2005 whereby she was reverted to her parent department to work as Junior Assistant with the Director, Department of Social Forestry.

2. The case set up by the petitioner in her writ petition is that, having been promoted as Senior Assistant and allowed to work as in-charge Head Clerk with the Director Department of Social Forestry, she had acquired a right to the promotional post and the order impugned in the writ petition, reverting the petitioner as Junior Assistant, a post inferior to the one which she had held earlier in the borrowing department, was bad in law.

3. Justifying the order impugned in the writ petition, respondents have submitted that the petitioner had been allowed to work as in-charge Senior Assistant in a Centrally sponsored scheme in the erstwhile Social Forestry Project and on the closure of the project by the Government of India, the petitioner was repatriated to her parent department as Junior Assistant, the substantive post which she was holding and her working as in-charge senior Assistant in the project, would not give her any right to promotion as Senior Assistant.

4. I have considered the submissions of learned for the parties and perused the documents placed on the records.

5. Perusal of the documents on records indicates that petitioner had not earned any promotion as such as Senior Assistant, and in that view of the matter she cannot claim any right against the post of Senior Assistant on her repatriation to the parent department from the project where she is shown to have been working as in-charge Head Clerk against available post of Senior Assistant.

6. Petitioner's adjustment as in-charge Head Clerk against the post of a Senior Assistant on the strength of the project during the period of her posting in the Social Forestry Project, would not give her any right to the post available in

the cadre of the department where she had held her lien. With the closure of the project, the superior position enjoyed by the petitioner in the project, too would cease and in that view of the matter her claim for getting the same position in her parent department may not be tenable.

7. I, therefore, do not find any error in the impugned order, reverting the petitioner to her parent department against the post of Junior Assistant, which she substantively holds in the Social Forestry Department.

8. The order impugned does not violate any enforceable right of the petitioner. Her writ petition is thus without substance, which is, accordingly, dismissed.

(J.P.Singh)
Judge

JAMMU:
19.02.2009
Anil Raina, Secy