

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 217 OF 2019
(arising out of SLP(C) No.22442 of 2017)

SUKH BILASH THAKURAPPELLANT(S)
VERSUS
THE BIHAR STATE ELECTRICITY
BOARD AND OTHERSRESPONDENT(S)

JUDGMENT

NAVIN SINHA, J.

Leave granted.

2. The appellant is aggrieved by his order of reversion dated 09.08.2007 from the post of Bill Clerk to that of Khalasi. The High Court declined interference with the same and thus the present appeal.

3. The appellant was appointed as a Bill Clerk on 03.02.1981. After passing the departmental examination and having completed 18 years of service, he staked a claim for grant of senior level grade. The

respondents then issued a show cause notice to him on 03.07.2006 that he had secured appointment as a Bill Clerk by fraudulent methods and suppressing the fact that he did not possess the requisite qualification for the post, and was thus liable to be reverted. In his reply dated 12.07.2006, the appellant asserted that he was appointed after verification of his educational qualifications and qualifying in the written examination followed by an interview. He had not indulged in any fraud or suppression. There had been no complaints against him in discharge of duties as a Bill Clerk. The impugned order without considering the cause shown, simply recited “after careful consideration” and rejected the cause shown without reasons.

4. We have heard learned counsel for the parties. Manifestly from the materials on record there has been no suppression or fraud by the appellant in securing appointment to the post of Bill Clerk on 03.02.1981. Indisputably he was appointed after verification of his qualifications and through the process of a competitive examination followed by an interview. There have been no allegations against him in discharge of his duties as a Bill Clerk. The appellant, in the cause

shown, had explained that at the time he appeared at the matriculation examination, mathematics was compulsory upto class 9 only. The appellant had passed the departmental examination in service. It is only when he staked his claim for selection grade, the respondents appear to have woken up from their stupor nearly twenty-five years later seeking to raise issues with regard to the appointment. Unfortunately, these factors did not fall for consideration by the High Court despite being available on record.

5. In the facts and circumstances of the present case, we consider the order of reversion issued nearly twenty-five years later to be highly unjust, inequitable and arbitrary suffering from the vice of unreasonableness. Consequently, it is held to be unsustainable. We also notice that the appellant has already retired from service. The impugned order of reversion is therefore set aside. The appellant shall be entitled to pensionary benefits in accordance with law as if the order of reversion had never been passed. Pensionary benefits and other retiral dues shall be paid to him within a period of eight weeks from the date of receipt and/or presentation of a copy of this order.

The dues shall carry interest at the rate of 15 per cent till the date of actual payment.

6. The appeal is allowed.

.....**J.**
(Arun Mishra)

.....**J.**
(Navin Sinha)

New Delhi,
January 09, 2019.