

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.9851 of 2005 (O&M)
Date of Decision: 12.02.2016**

Soran Singh and another

..... Petitioners

Versus

Managing Director, UHBVN Ltd. and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rajinder Singh Rana, Advocate
for the petitioners.

Mr. Ajay Bhardwaj, Advocate
for the respondents.

RITU BAHRI J. (ORAL)

CM No.3031 of 2015

In view of the averments mentioned in the application, same is allowed and the main case is taken up today itself for final disposal.

CWP No.9851 of 2005

The petitioners are seeking quashing of the condition of passing type-test in Hindi and English as mentioned in the promotion letter (Annexure P-3).

The petitioners were appointed as a Daily Wager in the year 1986 against a Class-IV post (Group-D) as per the instructions of the Haryana Government issued by the Chief Secretary. They were eligible to be promoted as on the post of Clerk by the order dated 30.03.1973 (Annexure P-1), thereafter, as per the policy dated 17.09.1975 (Annexure P-2) of regularizing the appointment of Class-IV employees against the post of Clerk in question, petitioner No.1 was promoted to the post of Clerk vide letter dated 08.03.1994 (Annexure P-3).

The condition was imposed in this letter was that after his appointment he will have to clear the type test in English and Hindi within a period of two years in four chances from the date of joining the post. The condition of passing the typing test has been preceded by this Court in ***Uttar Haryana Bijli Vitran Nigam Limited Vs. Phool Chand*** in LPA No.1711 of 2011 decided on 27.08.2013 in which it has been held that the condition of typing test be made applicable for direct recruitment and was not applicable to the promotees. They have referred to the policy dated 19.10.1990.

The respondent in that case had taken a stand that as per the policy dated 19.10.1990, the petitioners were required to participate in the typing test.

A coordinate Bench of this Court in CWP-12350 of 2010 titled as ***Roshan Lal vs. Uttar Haryana Bijli Vitran Nigam Limited and others*** (decided on 02.07.2015), has held that this test was meant only for the ministerial staff, hence, the condition of passing type test in the promotion order was quashed and in that case, the petitioner was held entitled to all the benefits and released to him within three months from the date of receipt of certified copy of this order.

Accordingly, in view of *Roshan Lal* case (supra) the present petition is allowed and the impugned condition of passing type test in promotional letter (Annexure P3) is set aside.

(RITU BAHRI)
JUDGE

February 12, 2016
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