

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.16887 of 2016 (O&M)

Date of decision:22.08.2016

Girraj Singh & others

... Petitioners

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Rajesh Lamba, Advocate for the petitioners.

...

TEJINDER SINGH DHINDSA, J.

The petitioners, who are presently working as Clerks in the office of Deputy Commissioner, Faridabad have filed the instant petition seeking issuance of a writ of mandamus for directing the respondents to grant to them the annual increment with effect from the date of promotion.

During the course of arguments, it has gone controverted that under the Statutory Service Rules governing the conditions of service of the petitioners, there is a mandate for the petitioners to qualify the Hindi or English type test so as to be eligible to earn the annual increments. It has also been conceded that this very mandate was even recited in the order of promotion itself at Annexures P-1 and P-2.

Counsel submits that earlier in point of time, the petitioners had approached this Court by filing CWP No.920 of 2016 and the same was disposed of on 08.02.2016 with a direction to the respondents to consider the claim of the petitioners as regards relaxation of the concerned rule and in the light of order dated 01.08.2013 passed in **LPA No.847 of 2012 (Lal Chand & others versus State of Haryana & others)**.

Counsel submits that an order dated 18.05.2016 at Annexure

P-9 has now been passed by the Deputy Commissioner, Faridabad stating therein that the Appropriate Authority to consider issue with regard to relaxation of the rule is the State Government and not the Deputy Commissioner himself.

Counsel for the petitioners possibly cannot dispute and raise objection to the basis of passing of the order at Annexure P-9 by the Deputy Commissioner.

Under such circumstances, counsel prays for withdrawal of the instant petition with liberty to approach the Competent Authority/ Appropriate Authority as regards claim of the petitioners seeking relaxation of the rule i.e. to qualify Hindi/English type Test upon being promoted to the post of Clerks so as to be eligible to earn annual increments.

Petition is disposed of as withdrawn with liberty to the petitioners to pursue the matter with the concerned Appropriate Authority.

Disposed of.

22.08.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |