

**Sr. No.115
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.20968 of 2016 (O&M)
Date of Decision: 05.10.2016**

Jai Bhagwan

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. K.S.Dhaliwal, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

Pleadings on record would indicate that the petitioner was appointed/adjusted as Peon in the Dakshin Haryana Bijli Vitran Nigam Limited, Safidon, Jind after having been retrenched from the Haryana State Minor Irrigation and Tubewell Corporation Limited in the year 2006. Vide order dated 10.05.2013 (Annexure P-1) petitioner was promoted to the post of Lower Division Clerk. In the promotion order itself there was a specific condition that the petitioner would have to qualify a type test in Hindi/English within a period of one year from the date of promotion and failing which he would not be granted the annual increments.

Grievance raised in the instant petition is that in spite of relaxation having been granted by the State of Haryana vide letter dated 27.11.2007 at Annexure P-2 as regards qualifying type test and in respect of retrenched employees of Boards/Corporations/Public Sector Undertakings, yet the benefit of such relaxation has not been granted to the petitioner and he has been denied the annual increments. The categoric submission made

by counsel is that the decision contained in the letter dated 27.11.2007 (Annexure P-2) has been granted to certain counter parts and employees of the respondent Nigam. Towards raising a plea of discrimination, counsel has adverted to the incidence of one Puran Chand Son of Chand Bhan who is serving on the post of Lower Division Clerk with the respondent Nigam and who has been granted the benefit of annual increments in spite of his having not qualified the type test.

In view of the facts noticed hereinabove as also the submissions advanced by the counsel, this Court deems it appropriate to dispose of the writ petition by directing respondent No.2 to look into the grievance and claim of the petitioner in the light of a legal notice dated 09.05.2015 (Annexure P-9) which is stated to have already been served.

Let a final decision thereupon be taken by passing a well reasoned speaking order within a period of three months from the date of receipt of a certified copy of this order.

Disposed of.

05.10.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No