

CWP No. 15679 of 2015 (O&M)

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

CWP No. 15679 of 2015 (O&M)
Date of decision : February 02, 2017

Bhagwan Dutt,

..... Petitioner

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. JS Rozera, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG Haryana

Mr. Kapil Aggarwal, Advocate
for respondents No.2 to 4.

Ajay Tewari, J (Oral)

The controversy in the present case is whether respondent No.2-Nigam can impose a condition of passing type test for promotion to the post of Clerk. In CWP No.5566 of 1999, Prithvi Ram vs State of Haryana and others, decided on 3.9.2001, a Division Bench of this Court

had held as follows :-

“..... So for as the direct recruitees are concerned, the rules make it mandatory that they shall have to pass a test in Hindi and English typing at the speed of 25/30 words per minute respectively within a period of one year of their appointment. So far as appointment other than by direct recruitment is concerned (which is to be considered in the present case as the petitioner in this case is a promotee) the requirement is knowledge of Hindi or English type writing. This is the basic difference between the requirement for the direct recruitees and the promotees. When the rule does not specify passing of typing test, the respondents cannot insist that the petitioner should pass typing test for getting his increments released of course for the post of a clerk, the type test can be said to be necessary but for the reasons best known to the respondents the rules have made distinction for the promotees in this regard.....”

The above decision has consistently been followed by this Court in the cases at Annexures P-6 to P-8.

Counsel for respondents No.2 to 4 is not in a position to cite any contrary judgment.

In the circumstances, the present writ petition is allowed in the same terms as in CWP No. 5566 of 1999. The respondents are directed to release the due increments of the petitioner within three months from the date of receipt of a certified copy of this order. In case, necessary exercise is not conducted within the aforesaid period, the petitioner would be entitled to get the same with interest @ 12% pa w.e.f the date's the amount/s fell due.

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any, also stand disposed of.

February 02, 2017

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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No