

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

C.M. Nos. 14758-59-CWP of 2017 in/and
CWP No. 19231 of 2017
Date of decision: 13.10.2017

Anil Kumar

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. P.L. Verma, Advocate,
for the applicant-petitioner.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 14758-CWP of 2017

Application seeking exemption from filing certified copy of order dated 12.09.2017 is allowed, subject to all just exceptions.

C.M. No. 14759-CWP of 2017

The present application has been filed for restoration of the main case, which was dismissed for want of prosecution on the said date. The application is supported by the affidavit of the counsel in which it has been averred that due to his personal difficulty, he could not attend the Court on the said date. Notice of motion has not been issued.

Resultantly, in view of the averments made in the application, the same is allowed. Main case is restored to its original number and is taken up for hearing today itself.

CWP No. 19231 of 2017

The petitioner seeks the benefit of regular increment from the

date of promotion as Clerk and accordingly also seeks quashing of condition no. 6 in his promotion order which provided that while promoting him as Clerk, the condition of clearing type test would be applicable to him in view of the proposed amendment in the service rules as per order dated 06.07.2012 (Annexure P-1). It is the case of the petitioner that the said amendment has not come into force but the benefit of the annual increment has also not been granted.

Accordingly, counsel for the petitioner submits that he has already served a legal notice dated 20.07.2017 (Annexure P-5) upon the respondents, which is still pending consideration and accordingly, submits that he would be satisfied if the said respondent takes a decision on the same within a time bound frame.

Notice of motion.

Ms. Shruti Jain Goyal, AAG Haryana accepts notice. Copy of the writ petition has been supplied to her. State counsel has pointed out that there are instructions of the Chief Secretary as such that the type test would have to be cleared in case of promotion to the post of Clerk irrespective of the provisions in the Rules.

Keeping in view the above, this Court is of the opinion that no useful purpose would be served to ask the respondents to file reply as the decision making process is still pending.

Accordingly, without commenting on the merits of the case or the entitlement of the petitioner for the abovesaid relief and keeping in view the fact that the matter is still pending consideration, the present writ petition is disposed of with a direction to respondent no. 2 to take a decision on the legal notice dated 20.07.2017 (Annexure P-5) within a period of 4

months from the date of receipt of certified copy of the order. In case any adverse order is to be passed, a reasoned order be passed and conveyed to the petitioner.

13.10.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No