

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.28284 of 2013

Date of Decision:-11.01.2017.

Ramesh Chand and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Jai Bhagwan Sharma, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

None for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioners have questioned the validity of the order dated 8.11.2013 by which their claim for increment has been rejected on the score that they do not fulfill the qualification of typing in Hindi or English at the speed of 25 and 30 words per minute, respectively which is one of the qualification for the post of Clerk-cum-Typist.

2.) The petitioners while working as Class-IV employees, they were promoted vide orders dated 02.09.2009, 12.01.2010 and 02.09.2009, respectively vide Annexures P-2 to P-4. All the three petitioners have been denied increment on the score that they do not fulfill the qualification of typing in Hindi or English at the speed of 25 and 30 words per minute respectively. Perusal of the Rules of Recruitment governing the post of Clerk-cum-Typist which reads as under:-

Clerk-cum-Typist	Atleast Matriculate/Higher Secondary with typing knowledge.	i) Matriculate ii) Atleast 5 years experience in Class-IV post.	Direct/ promotion	Direct: 90% Promotion: 10% from Class-IV employees.
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3.) Having regard to the method of recruitment to the post of Clerk-cum-Typist is by direct recruitment and promotion and for promotion no qualification has been prescribed except stating that 10 % from Class-IV employees with matriculate and at least 5 years experience in Class IV post. Therefore, the respondents cannot insist for typing knowledge on par with the direct recruitees. On the other hand, prescription of qualification for promotion is only matriculate and at least 5 years experience in Class-IV post. Therefore, denial of increment to the petitioners on the score that they do not have the typing knowledge in Hindi or English at the speed of 25 and 30 words per minute, respectively which is not part and parcel of qualification prescribed for promotion to the post of Clerk-cum-Typist and it is contrary to rules of recruitment. Therefore, Annexure P-1 dated 8.11.2013 is set aside. The respondents are directed to grant the benefit of increment from time to time with reference to date of petitioners' promotion to the post of Clerk on 02.09.2009, 12.01.2010 and 02.09.2009, respectively. Monetary benefits shall be released to the petitioners within a period of four months from today.

4.) Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

January 11, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.