

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3075 of 2017
Date of Decision:-17.02.2017.

Bijender Singh Kadian

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Ashwani Kumar Bura, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

Petitioner has questioned the validity of the order dated 25.3.2015 Annexure P-20 passed by the second respondent by which his claim for stepping up of his pay as a general category employee on par with his junior of a reserved category has been rejected assigning the following reasons.

“And whereas, Sh. Bijender Singh Kadian the then Steno Typist had passed the departmental test of 2nd language i.e. Hindi on 18.7.1995 for his next annual increment as per the condition laid down in his appointment letter. He had passed the departmental test in English and Hindi for promotion to the post of Junior Scale Stenographer on 19.6.2004 and was promoted to the post of Junior Scale Stenographer on 17.9.2010 on availability of post. Further, after passing departmental test in Hindi and English on

21.10.2008 and 14.3.2009 respectively, he was promoted to the post of Senior Scale Stenographer on 20.9.2011 and subsequently he was promoted to the post of Personal Assistant on 21.7.2014.

And whereas, his junior Sh. Madan Lal the then Steno Typist had passed the departmental test of 2nd language i.e. Hindi on 17.2.1995 for his annual increment as per the condition laid down in his appointment letter. He had passed the departmental test for promotion to the post of Junior Scale Stenographer on 18.7.1995 and was promoted to the post of Junior Scale Stenographer on 26.10.1995. Further, after passing the departmental test in Hindi and English on 2.3.1998, he was promoted to the post of Senior Scale Stenographer on 17.3.1998 and subsequently, he was promoted to the post of Personal Assistant on 07.1.2004.

And whereas in the Stenography line, promotion up to the post of Senior Scale Stenographer i.e. from Steno Typist to Junior Scale Stenographer and from Junior Scale Stenographer to Senior Scale Stenographer, in Haryana Civil Secretariat is made only on passing of departmental test which has no relationship with the seniority of the Steno Typst fixed by the Haryana Staff Selection Commission. For instance, if a junior official passes the departmental test earlier to his senior in the Steno Typist/Junior Scale Stenographer/Senior Scale Stenographer, he becomes eligible for promotion as Junior Scale Stenographer/Senior Scale Stenographer, whereas his senior becomes eligible for promotion only when he/she passes the departmental test. Sh. Madan Lal became senior to Sh. Bijender Singh Kadian by virtue of passing the departmental test of second language of

Steno Typist, Junior Scale Stenographer and Senior Scale Stenographer.”

Perusal of the dates and events and service particulars of the petitioner and his junior, it is evident that the petitioner has not passed the prescribed departmental test earlier to the person stated to be junior and further with reference to passing of departmental test the petitioner's junior was promoted to the higher cadre earlier to petitioner. In view of these facts and circumstances, the petitioner is not entitled to stepping up of pay on par with junior for the reasons that to claim stepping up of pay by an employee, service particulars of the senior and junior must be identical in all respects. In the present case, junior has passed prescribed departmental test earlier to the petitioner. Thus, junior has march over petitioner for the purpose of promotion. Hence, the petitioner has not made out a case so as to interfere with the order.

Petition stands dismissed.

Insofar seeking writ of *mandamus* for consideration of objection vide Annexure P-22 and P-21 are concerned, the respondents are directed to take a decision within a period of four months from today.

(P.B. BAJANTHRI)
JUDGE

February 17, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.