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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 12838 of 2015
Date of Decision: May 08, 2018

Amit Kumar and others

......Petitioners

versus

The Chairman, Government Polytechnic Education Society Uttawar and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

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Present:- Mr. Anand Bhardwaj, Advocate
for the petitioners

Mr. Rajesh Gaur, Addl. A.G. Haryana

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Sudhir Mittal, J. (Oral)

The petitioners were appointed as Clerk-cum-Data Entry Operators in the Government Polytechnic Education Society Uttawar, District Palwal in the year 2008. As per the terms of their appointment they were entitled to grant of annual increment. The same were granted to them till the year 2014 but vide letter dated 29.09.2014 (Annexure P-3) the said benefit was withdrawn without giving any reason.

Hence, the present writ petition has been filed.

It is the submission of learned counsel for the petitioners that the work and conduct of the petitioners is satisfactory and there is no complaint against any of them. The annual increment has been withdrawn illegal, unilaterally and without serving any show cause notice.

Reply has been filed on behalf of the respondents in which it is stated that as per the advertisement, the petitioners were required to clear a type test. However, they did not clear the same and, therefore, the annual increments have been withdrawn. On being asked, whether the petitioners were subjected to type test, learned State counsel expressed ignorance. He further stated that benefit has been granted to the petitioners during the pendency of this writ petition, however, subject to the final outcome thereof.

The petitioners were appointed in the year 2008 and were regularly paid their annual increments in accordance with the terms of their appointment. In case the benefit was to be withdrawn, it was incumbent upon the respondents to issue a show cause notice to them. Admittedly, no show cause notice has been issued. Moreover, the petitioners have not been subjected to type test till date and, therefore, they can not be faulted for not having passed the same. In any case, the petitioners have been working for 10 years now and there is no complaint regarding their functioning. The requirement of passing of type test has been rendered nugatory.

In view of the above, the writ petition is allowed. Order dated 29.09.2014 (Annexure P-3) is quashed. It is further directed that the petitioners will be paid their annual increments regularly without any break.

May 08, 2018 **[SUDHIR MITTAL]**
reena **JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No