

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.1765 of 2016 (O&M)

Date of decision: 23.08.2018

Shish Pal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ram Niwas Sharma, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Ritu Bahri, J.

Petitioner is seeking the benefit of grant of Ist ACP scale w.e.f. 01.01.2002 and fixation of his salary at par with his junior namely, Rvi Kumar.

The respondents are denying this benefit to the petitioner on the ground that he is not fit for promotion as he has not passed the type test as Clerk and he cannot be promoted on next promotional post of Assistant as per Department Services Rules of Group 'C' notified on 29.01.1998.

Along with the replication to the written statement, petitioner has placed on record copy of order dated 26/27.10.2006 (Annexure P-12), whereby benefit of exemption from passing of type test has been granted to the petitioner keeping in view the draft rules.

This issue was considered in case Prithvi Raj vs. State of Haryana and others, CWP No.5569 of 1999, whereby it was held that annual increment should be granted to the Clerks, who were promoted from

Class-IV, without passing of type test. This order has attained finality. In the facts of the present case, respondent-State has taken this plea unnecessary by ignoring the order dated 26/27.10.2006 (Annexure P-12). In view of the said fact, this petition deserves to be allowed.

Resultantly, the present petition is allowed, impugned order dated 25.09.2015 (Annexure P-10) is set aside and the respondents are directed to grant the benefit of 1st ACP Scale (Assured Career Progression) to the petitioner w.e.f. the due date i.e. 01.01.2002 with all consequential benefits.

23.08.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No