

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

CWP No.1777 of 2018  
Date of decision: 29.01.2018

Sandeep Kumar and others

... Petitioners

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Vikas Kuthiala, Advocate for the petitioners.

**ARUN PALLI, J. (Oral)**

Petitioners were appointed as Clerks on 21.02.2012 and are working under the office of Director, Development & Panchayats Department, Government of Haryana. The next promotion from the post of Clerk is to the post of Accounts Clerk. The post of Accounts Clerk is governed by the Haryana Development & Panchayats Department (Group C) Field Office Service Rules, 2012 (for short, '2012 Rules'). Rule 9(j) of 2012 Rules postulates that recruitment to the post of Accounts Clerk is to be made by way of promotion from amongst the Clerks or by transfer or deputation of an official already in service of any State Government or the Government of India. Further, appendix B read with Rule 7 of 2012 Rules requires that for promotion to the post in question, a candidate must have three years' experience as Clerk. The respondent-department purports to have finalized the seniority list of persons working in the cadre of Clerks and name of all petitioners figure therein. However, vide letter dated 30.11.2017 (Annexure P4), respondent No.2 has sought from the subordinate offices the list of the eligible employees not only in the cadre of Clerks but also in the cadre of

Steno-typists for the purpose of promotion as Account Clerks. The case set out in the petition is that the cadre of Clerks and Steno-typists are distinct and different. And in fact, Rule 9 of 2012 Rules envisage promotion from the post of Steno-typist to the post of Junior Scale Stenographer. Therefore, the Steno-typists are ineligible to be considered for the post of Account Clerks in terms of 2012 Rules. The petitioners purport to have even represented to the respondents in this regard vide representation dated 10.01.2018 (Annexure P6). But that too has yielded no result.

That being so, the petition is disposed of, at this stage, only with a direction to the respondents to consider and decide the claim of the petitioners as also their representation dated 10.01.2018 (Annexure P6) within a period of 6 weeks from the receipt of certified copy of this order. And pass appropriate orders in accordance with law. Needless to assert that in the event the claim of the petitioners is declined, the authority shall pass a comprehensive order assigning reasons in support thereof.

29.01.2018  
Rajan

**( Arun Palli )**  
**Judge**

Whether speaking / reasoned:  
Whether Reportable:

YES  
NO