IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 28447-2017
Date of decision:- 25.02.2020

Om Parkash .....Petitioner

vs.

State of Haryana and others ....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Deepak Sonak, Advocate
for the petitioners

Mr. Harish Nain, AAG, Haryana

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RITU BAHRI , J. (Oral)

The present petition is for issuance of direction to the respondents to grant annual increment along with all consequential benefits and arrears from the due date by giving exemption from passing type test.

The petitioner was appointed in the respondent department as Peon on regular basis w.e.f 09.02.1998 and was promoted to the post of Clerk vide office order dated 28.12.2011 (P-1). A condition was there in the promotion order that the petitioner will get annual increment only on passing of the type test in Hindi/English. Petitioner could not clear the type test and was not given the benefit of annual increment. The petitioner is now claiming parity with the other similarly situated employees like Manmohan, Ramphal, Sarswati and Jagbir Singh. They have been given exemption by the department, vide Annexure P-2 colly, in view of the judgment of this Court in CWP NO. 5566-1999, decided on 03.09.2001 (P-3).

On notice of this petition, a reply has been filed by the respondents and in para 4 of the reply, it has not been denied that the exemption of type test was given to the similarly situated employees. At the same time, a stand has been taken that the judgment dated 03.09.2001 is not applicable to the case of the petitioner, as in that case petitioner was promoted to the post of Clerk on 22.01.1992 and at that time, there was not condition of passing of type test in case of promotion. In the present case, the petitioner has been promoted on 28.12.2011 and the department rules were notified in 1998 in which there is a condition of passing of type test within one year from the date of promotion otherwise annual increment will not be granted.

Heard.

A bare perusal of Annexure P-2 shows that Ramphal has been given exemption w.e.f 19.04.2006. The petitioner has been promoted on 28.12.2011 and is also entitled for exemption.

Keeping in view Annexure P-2 colly, the writ petition is allowed and the petitioner is held entitled for exemption from type test. The respondents are directed to grant annual increment along with all consequential benefits and arrears to the petitioner along with 6 percent interest per annum, from the due date by giving exemption from passing type test. This exercise shall be completed within a period of three months from the date of receipt of certified copy of this order.

25.02.2020 (***RITU BAHRI***)
G Arora ***JUDGE***

Whether speaking/reasoned ***Yes***
Whether reportable ***No***