

213(a)

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

CWP No. 2987 of 2019 (O&M)

Date of decision: 18.04.2022

Tara Chand and others

...Petitioners

Versus

State of Haryana and others

...Respondents

Coram : Hon'ble Mr. Justice Arun Monga

Present : Mr. P. K. Ganga, Advocate, for the petitioners.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Arun Monga, J. (oral)

Petitioners, working as Clerks by promotion from the post of Peons/Chowkidar, are before this Court seeking issuance of a writ in the nature of Certiorari to quash an administrative order dated 20.06.2018 (Annexure P-4) passed by the Superintending Engineer, Hisar whereby a condition precedent qua their promotion has been imposed. That is, to qualify the State Eligibility Test in Computer Appreciation and Application with the probation period of one year, failing which they would be reverted back to their respective previous posts.

2. Succinct facts first. The petitioners were appointed as Peons/Chowkidar in the department of PWD (B&R), Haryana in the year 1996. Petitioners no. 1 and 3 were promoted as Clerks in the year 2014, whereas petitioner no.2 was promoted as Clerk in the year 2017. The respondents put a condition that their promotion will remain on probation basis for a period of one year and if the performance of the petitioners is found up to the mark/

satisfactory, then they will not be given annual increment. Vide letter dated 29.01.2018 (Annexure P-2), a condition has been imposed on the petitioners to qualify typing test in Hindi/ English @ 25/30 wpm within one year. The case of the petitioners is that when they were appointed, there was no departmental rule/ condition of passing the typing test. The petitioners challenged order dated 29.01.2018 by way of filing CWP No. 5188 of 2018. During the pendency of the aforesaid writ petition, the respondents issued another order dated 20.06.2018 whereby it was directed to qualify the State Eligibility Test in Computer Appreciation and Application within the period of probation of one year extendable by one year, failing which they would be reverted back to their respective previous posts. Hence, the present writ petition.

3. I heard rival contention of learned counsel for the parties.
4. I am in agreement with the arguments of learned counsel for the State that the impugned order has been passed in consonance with the Rules 9 A(1) and (2) of Haryana PWD 1980 Recruitment Rules, applicable on the petitioners, relevant of which is reproduced herein below:-

“9A(1) Typing test is substituted with the State Eligibility Test in Computer Appreciation and Application (SETC) as a part of service requirement for clerks, Steno-typist, Junior Scale Stenographers and Senior Scale Stenographers. The State Eligibility test in Computer Appreciation and Application (SETC) shall be a post requisite condition/ qualification which all the newly recruited/ appointed Clerks, Steno-Typist, Junior Scale Stenographers and Senior Scale Stenographers in the Government Departments/ Organisation shall have to qualify. The existing Clerks, who have been promoted from Group-D and Restorer Etc. who have not passed the typing test till date as required under the Service Rules shall have an option either to pass the typing test or the State Eligibility Test in Computer Appreciation and Application (SETC). The Steno-typist, Junior Scale Stenographers and Senior Scale Stenographers shall also

have to qualify stenography test as prescribed in the Service Rules.

(2) The candidate shall have to qualify the State Eligibility Test in Computer Appreciation and Application (SETC) within the probation period of two years, extendable by one year in case of direct recruit. The candidate appointed against the aforesaid categories of posts in Group C shall not be entitled to earn any increment in his/ her pay scale till she qualifies the said test, failing which the service of such employees shall be dispensed with. The person who are promoted to the post of clerk and Steno-typist shall also qualify the State Eligibility Test in Computer Appreciation and Application (SETC) within the period of probation of one year extendable by one year, failing which he/ she shall be reverted back.”

A bare reading of the aforesaid reflects that respondents are duty bound to comply with the same. Impugned order has thus rightly been passed. Being so, no ground to interfere is made out, since the Rules are not under challenge before this Court.

5. Dismissed, however with liberty to the petitioners to assail the Rules in case they so wish and are so advised, in accordance with law.

18.04.2022

VS

(Arun Monga)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No