

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

CWP-17503-2000 (O&M)

Date of decision: May 25, 2022

Budh Ram

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 2000, *inter alia*, for issuance of a writ in the nature of Certiorari for quashing impugned order (Annexure P-12), and further a direction has been sought to prepone the date of promotion of the petitioner on the post of Senior Scale Stenographer from 05.02.1997 to 14.01.1973, the date he was promoted on the basis of qualifying single language test as had been already done in the cases several seniors scale stenographers, who are similarly situated as the petitioner and their promotion orders are annexed herewith as Annexures P-2 to P-5, respectively.

2. Petition was admitted on 29.10.2002.

3. When called out for hearing, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In course of hearing, learned State counsel submits that during pendency of the writ proceedings, the petitioner has superannuated and the claim on promotion does not survive.

5. In any case, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in Paras-1 to 3 of Preliminary Objections of the reply filed by respondents No.1 & 2, which is reproduced herein for ready reference:-

“1. That the service of the petitioner is governed under the Haryana Excise & Taxation Department Subordinate Offices Ministerial (Group-C) Service Rules, 1981. As per provision in the Appendix-B of the ibid Rules, Senior Scale Stenographer is required to the following academic qualifications and experience for appointment other than direct recruitment:-

“Three year’s experience as Steno-Typist or Camp-Clerk having English and Hindi speed in shorthand at 100/80 words per minute and transcription thereof at 20/15 words per minute respectively. 4 percent mistakes on the typed material will be allowed.

2. That the petitioner was appointed as Steno-Typist (Hindi) in the O/o Deputy Excise & Taxation Commissioner, Karnal on the recommendation of the Subordinate Services Selection Board, Haryana vide order dated 29.12.1986 with the terms and conditions explained in the appointment letter at Annexure P-1 and he joined as such on 01.01.1987. One Shri Raj Pal qualified the test of English language on 30.07.1992 and test of Hindi language on 24.12.1992 with the petitioner and at that time only one adhoc vacancy was available against that vacancy. Shri Raj Pal was promoted on adhoc basis and thereafter no vacancy was available at that time. In the year 1997, the petitioner was promoted as Senior Scale Stenographer purely on adhoc basis vide order dated 05.02.1997 with the conditions that he will qualify the test in 2nd language at the prescribed standard of Senior Scale Stenographer, within probation period of one year failing which he will not get annual increment. His services will be governed under the Haryana Excise and Taxation Department Subordinate Offices Ministerial (Group-C) Service Rules, 1981 (Annexure P-7).

3. That the petitioner qualified the 2nd language test (English) on 08.11.1997 and from this date his seniority was fixed in the cadre of Senior Scale Stenographer on the availability of the regular vacancy.”

6. Learned State counsel has canvassed arguments on similar lines as the stand taken in the aforesaid written statement.
7. I am in agreement with the stand taken by the respondents.
8. In view of the aforesaid, no grounds are made out to interfere.
9. Dismissed.

(ARUN MONGA)
JUDGE

May 25, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No