

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13358-2022 (O&M)

Date of decision: August 04, 2022

Rajesh Kumar

...Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

CM-11552-CWP-2022

For the reasons stated in the application, the same is allowed.

Additional affidavit is taken on record.

Main case (O&M)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing order dated 01.06.2022 (Annexure P-5) whereby respondent No.2 directed the petitioner and other candidates to appear in Stenography test in English scheduled to be held on 08.06.2022, which is nowhere prescribed in the Service Rules. Further operation of the impugned order *ibid* has been sought to be stayed.

2. Learned counsel for the petitioner would argue that petitioner was appointed on the post of Steno-Typist on 16.03.2011. His services are governed under the Haryana Advocate General Office Ministerial (Group-C)

Service Rules, 1981 (for short 'Rules'). As per appendix B of the Rules, for promotion to the post of Junior Scale Stenographer, no stenography test is prescribed under these Rules and only the length of service is the criteria for the same. He would further argue that there are no adverse remarks or any disciplinary action taken against the petitioner and he is having an unblemished service career. On 29.11.2017, petitioner along with other employees submitted a detailed representation (Annexure P-3) to the respondent-Department for promoting them to the post of Senior Scale Stenographer since they have completed 8 years of service and rather the posts are lying vacant. Some of the batchmates have already been promoted to the post of Senior Scale Stenographers on 24.04.2015 upon their completion of 4 years, and further one more employee had been promoted as such on 10.10.2017 i.e., after completion of 7 years. Petitioner also approached the respondent-Department for granting him Assured Career Progression, but to no avail. Vide impugned order dated 01.06.2022 (Annexure P-5), petitioner along with others have been asked to appear in the departmental Stenography test in English, which was scheduled to be held on 08.06.2022. He would further argue that although an amendment in the Rules has been made on 23.01.2014 (Annexure P-6) and a new Rule 9-A has been inserted, however, there is no change in the academic qualification and experience as provided in Appendix B of the Rules. The requirement to qualify State Eligibility Test in Computer Application is only for the direct recruits and not for the promotees already recruited.

3. On advance service learned State counsel appears and opposes prayer of the petitioner and submits that the petitioner lacks the skill of stenography. The Department asked the petitioner along with others to appear in the departmental Stenography Test vide impugned letter dated 01.06.2022 (Annexure P-5). Reliance has been placed on the Rule 9-A of the Haryana Advocate General Office Ministerial (Group C) Service (Amendment) Rules, 2014 (for short 'Amended Rules') notified vide notification dated 23.01.2014 (Annexure P-6).

4. I have heard rival contentions of the learned counsel for the parties and perused the case file.

5. Rule 9A of the Amended Rules reads as below:-

“9A. (1) Typing test is substituted with the State Eligibility Test in Computer Appreciation and Applications (SETC) as a part of service requirement for Clerks, Steno-Typists, Junior Scale Stenographers and Senior Scale Stenographers. The State Eligibility Test in Computer Appreciation and Applications (SETC) shall be a post requisite condition/ qualification which all the newly recruited/ appointed Clerks, Steno-typists, Junior Scale Stenographers and Senior Scale Stenographers in the Government Departments/ Organizations 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 Applications (SETC). The Steno-typists, Junior Scale Stenographers and Senior Scale Stenographers shall also have to qualify stenography test as prescribed in the Service Rules.”

Bare reading of the aforesaid Rule 9A makes it clear that the Steno-typists, Junior Scale Stenographers and Senior Scale Stenographers shall also have to qualify the stenography test as prescribed in the Service Rules. Apart from that, it is the prerogative of the Department to ask an

employee to appear in the Stenography test, upon finding/ discovering lack of stenography skill. The motive/ intention behind asking an employee for the stenography test appears not to de-motivate him/ her rather it encourages him/ her to be more productive and efficient.

6. In view of the above, I find no grounds for interference.
Dismissed.

(ARUN MONGA)
JUDGE

August 04, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No