

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

CWP No. 5188 of 2018 (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 the impugned letter dated 29.01.2018 (Annexure P-3) written by the Superintending Engineer, Hisar. Wherein, it is stated that the petitioners will have to clear a typing test in Hindi/ English at a speed of 25/30 words per minute within one year of promotion, otherwise the petitioners will not be granted increment.

2. Succinct facts first. The petitioners were appointed as Peons/ Chowkidar in the department of PWD (B&R), Haryana in the year 1996. Petitioner nos. 1, 4 and 5 were promoted Clerks in the year 2014, whereas petitioner nos. 2, 3 and 6 were 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, 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. Hence, the present writ petition.

3. A perusal of the impugned order clearly reflects that the same is internal communication sent by the Superintending Engineer, Hisar Circle, Hisar to the Executive Engineer, Provincial Division No.1, Sirsa. It is not addressed to the petitioners and in any case, that does not in any manner suggest as to what adverse action qua petitioners and when is it contemplated, in case of the non-compliance of the same.

4. The order/letter was passed in January, 2018 and now it has been more than four years. On a Court query, as to what adverse orders have been passed pursuant to Annexure P-3, learned counsel for the petitioners is unable to give ant satisfactory reply.

5. However, learned counsel for the petitioners submits that another order dated 20.06.2018 has been passed during the pendency of the present writ petition which has been addressed to the petitioners, whereby a condition precedent qua their promotion has been imposed. That is, to qualify the State Eligibility Test in Computer Appreciation and Application within the probation period of one year, failing which the petitioners who were promoted to the post of Clerk shall be reverted back to their respective previous posts.

6. Learned counsel for the State submits that the said impugned order has been challenged by way of a separate writ petition i.e. CWP No. 2987 of 2019.

7. In the premise, this writ petition is dismissed as infructuous since the petitioners have already preferred a substantive remedy challenging the order addressed to them. No grounds are made out, in any case, to interfere on the internal communication which has been impugned herein and is not addressed to the petitioners.

18.04.2022

VS

(Arun Monga)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No