112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20845-2023
Date of decision: 07.11.2023

Raghubir Singh and another ......Petitioners

V/s

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Rahul Jaswal, Advocate
for the petitioners.

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DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari seeking quashing of the order dated 14.12.2020 (Annexure P-3) whereby the request of the petitioners for grant of exemption from qualifying the Type test on their completion of 55 years of age and thereby release of the annual increments with all other financial benefits has been declined by the respondent No.3 by passing a cryptic and non-speaking order without assigning any reasons and grounds for not treating the petitioners at par with other similarly situated 16 employees, who were granted exemption from qualifying the typing/computer literacy test vide orders dated 27.06.2018 (Annexure P-2) and with a further direction to respondents to exempt the petitioners (after their merger from the post of Junior Meter Reader with the post of Lower Division Clerk) from qualifying the Type test/Computer Literacy test as both the petitioners have attained the age of 55 years and as per the intructions, the petitioners are entitled for exemption from qualifying these tests.

Learned counsel for the petitioners contends that the petitioners were initially appointed as Work Charge employees with the respondent-Corporation in the year 1982. Thereafter, the respondent-Corporation advertised the posts of Junior Meter Readers and the petitioners joined the post of Junior Meter Reader on 27.06.2000 and 28.08.1999, respectively. Thereafter, the respondent-Corporation took a decision dated 06.06.2012 (Annexure P-1) that in the light of fresh policy of the Corporation, there was no requirement of the posts of Junior Meter Readers, therefore, the posts of Junior Meter Readers were ordered to be merged with the post of Lower Division Clerks and accordingly as per the decision of the Corporation, the petitioners joined on the newly assigned/merged posts of Lower Division Clerks in the year 2012 and 2014, respectively. Since there were many such employees, who were merged in the post of Lower Division Clerks but they could not qualify the Type Test/Computer Literacy Test for sufficient long time and they were not getting the annual increment, therefore, the matter was taken up with various Associations of the Employees for further taking up the matter with the respondent-Corporation so as to grant exemption from qualifying the type test. Accordingly, the Associations taken up the matter with the respondent-Corporation upon which the case was placed before the Board of Directors of the respondent-Corporation in its meeting held at Mohali on 02.06.2018, wherein it was resolved that approval be and is hereby accorded to exempt the 16 LDCs from passing the Type/Computer Literacy Test as a one time measure and who are in service and have attained the age of 55 years on the date of issue of revised instructions which will be issued after the approval and orders to this effect were issued on 27.06.2018 (Annexure P-2). The matter was again taken up by the respondent-Corporation for considering the grant of exemption to certain other Lower Division Clerks including the petitioners in the present case, who were similarly situated and had been merged in the said Cadre by the respondent-Corporation in the year 2012 and 2014, respectively. Accordingly, the respondent-Corporation again placed the said cases of left out employees before the Board of Directors in its 84th Meeting held on 22.09.2020, when the Board of Directors resolved that no relaxation is to be allowed as such agenda be and is hereby rejected and orders to this effect were conveyed vide order dated 14.12.2020 (Annexure P-3). Learned counsel further contends that the petitioners submitted two separate representations dated 20.05.2022 (Annexure P-4 and P-5) to the respondent No.2, inter-alia explaining their position right from the date of engagement on Work Charge basis and thereafter on their regular appointment followed by merger of post of Junior Meter Reader with the post of Lower Division Clerk but no action has been taken till date. He submits that although some of the similarly situated employees have already been given the exemption from qualifying the Type Test/Computer Literacy Test on their attaining the age of 55 years, but the similar benefit has been wrongly declined to the petitioners and others. He further submits that the petitioners would be satisfied if necessary directions are given for deciding the representation dated 20.05.2022 (Annexure P-4) in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondent No.1 and Mr. Nayandeep Rana, Advocate has put in appearance in Court, accepts notice on behalf of respondents No. 2 and 3 by filing his *power of attorney,* which is taken on record. They do not object to the prayer made by learned counsel for the petitioners.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioners in the representation dated 20.05.2022 (Annexure P-4), respondent No.2 is directed to decide the aforesaid representation, by passing a detailed speaking order within a period of 8 weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

07.11.2023
Sapna

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