

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

(111)

CWP-4663-2024

Date of Decision : March 04, 2024

Ram Kanwar and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Pallavi Babbar, Advocate, for
Mr. R.S. Longia, Advocate, for the petitioners.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioners is that the petitioners have retired while working on the post of Assistant Superintendent Jail but they were not given increment while working on the said post on the ground that they have not passed the departmental examination whereas, under the proviso to the main Rule, any Assistant Superintendent Jail, who had attained the age of 45 years, was not required to pass departmental examination and without considering the said proviso as well as the settled principle of law settled by the Coordinate Bench of this Court in *RSA No.2136 of 2010 titled as State of Haryana vs. Vijayveer Singh, decided on 21.12.2012 (Annexure P-1)*, the claim of the petitioners have been rejected by the respondents, which is arbitrary and illegal.

2. Notice of motion.

3. Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

4. Learned counsel for the respondents submits that the petitioners have already served a legal notice dated 03.08.2023 (Annexure P-9) and an independent decision on the said legal notice will be taken without being influenced by the order dated 27.06.2019 (Annexure P-6) and a speaking order will be passed within a period of eight weeks of the receipt of copy of this order and while taking a decision, the rules governing the service including the proviso so as to exempt the Assistant Superintendent Jail, who had crossed the age of 45 years, be kept in mind as well as the decision of this Court in *RSA No.2136 of 2010 titled as State of Haryana vs. Vijayveer Singh, decided on 21.12.2012 (Annexure P-1)* will also be kept in mind.

5. Learned counsel for the petitioners submits that keeping in view the statement of learned counsel for the respondents, the present writ petition may kindly be disposed of having been not pressed any further.

6. Ordered accordingly.

March 04, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No