

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

CWP-10947-2021 (O&M)
Date of decision: 01.08.2024

Baljit Singh

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Ravinder Malik (Ravi), Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. It is evident from the record of the present case that as per Instructions dated 07.11.2013, an employee had to pass the State Eligibility Test in Computer Appreciation and Application (SETC), which had substituted the type test, however, as clarified by the ones dated 01.05.2019 and 22.12.2020, it was mandatory for those promoted after 07.11.2013, however not for a person who had been, prior thereto, as he had to qualify the type test as per the Service Rules.

2. In the wake of the above and additionally the petitioner having retired on 31.01.2013, it was not essential for him to qualify the SETC, but still it was incumbent for him to pass the type test, which he having not, was as such rightly denied the benefit of annual increments and ACP scale.

3. The petitioner should have been more than willing to acquire and hone typing skills and be abreast with technology, so as to serve the public better. Even if some employees were granted an exemption that cannot enure to him, the same being impermissible, cannot be enforced. Hon'ble the Supreme Court in **Kulwinder Pal Singh vs. State of Punjab**, (2016) 6 SCC 532, observed that the

concept of equality enshrined in Article 14 of the Constitution of India does not envisage negative equalities.

4. As a fall out of the above discussion, the present petition is dismissed, being bereft of merit.

01.08.2024
ashok

(AMAN CHAUDHARY)
JUDGE

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