

CWP-22175-2020; CWP-5599-2019
CWP-8338-2021; CWP-16714-2020

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

Date of Decision:08.04.2024

1. **CWP No.22175 of 2020 (O&M)**

2024:PHHC:047487

Jawahar Lal and Others

...Petitioners

Versus

State of Haryana and Others

...Respondents
2. **CWP No.5599 of 2019 (O&M)**

2024:PHHC:047490

Phool Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents
3. **CWP No.8338 of 2021 (O&M)**

2024:PHHC:047492

Sudarshan Kumar and Others

...Petitioners

Versus

State of Haryana and Another

...Respondents
4. **CWP No.16714 of 2020 (O&M)**

2024:PHHC:047495

Sudarshan Kumar and Others

...Petitioners

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Sangita Dhanda, Advocate
 for the petitioners in CWP-22175-2020.

 Mr. Padamkant Dwivedi, Advocate
 for the petitioners
 in CWP-8338-2021 & CWP-16714-2020.

Mr. R.N. Lohan, Advocate
for the petitioner in CWP-5599-2019.

HARSIMRAN SINGH SETHI, J (Oral).

By this common order, four writ petitions, the details of which have been given in the headings, are being decided as all these petitions involve the same question of law on similar facts.

2. CWP-22175-2020 has been filed challenging the show cause notice issued to the petitioners, a copy of which has been appended as Annexure P-10 dated 20.10.2020 to the effect that the petitioners who are working as a Clerk are directed to pass SETC/type test, keeping in view the notification of the Government of Haryana in order to continue on the post of the Clerk, failing which action will be taken against them.

3. In CWP-16714-2020 as well as in CWP-8338-2021, the prayer of the petitioner is that the petitioners be also promoted on the post of Clerk without insisting on passing of the type test first as large number of candidates have been promoted without passing the type test with the condition that the same will be cleared after the promotion.

4. In CWP-5599-2019, the prayer of the petitioner is that the petitioner is senior to Sh. Ram Niwas, one of the petitioners in CWP-22175-2020 hence, the petitioner be also considered for promotion without insisting on passing of the type test with effect from the date the persons junior to him, were promoted.

5. Learned counsel for the petitioners argues that as the claim of the petitioners is for exemption from passing the SETC test for promotion to the post of Clerk or where they have already been promoted on the said post prior to condition of passing SETC/ type test, which notification was issued on 07.11.2013, as the case may be, hence the Clerks who were promoted prior to 07.11.2013 cannot be compelled to pass the SETC/ type test.

CWP-22175-2020; CWP-5599-2019
CWP-8338-2021; CWP-16714-2020

6. Learned counsel for the respondents, on the other hand, submits that only a show cause notice has been issued to the petitioners in CWP-22175-2020 and in case they have any objection to the said proposal, they can file appropriate reply within a period of 10 days from today, which reply will be considered while passing appropriate order keeping in view the notification dated 07.11.2013 as well as all the issues will be kept in mind so as to decide whether, the reversion of the petitioners on non passing of the SETC/ type test is mandatory or, they can be allowed to continue on the post without the grant of any increment for the said service. Further, the claim of the petitioners qua grant of exemption from type test to the similarly situated employees, will also be considered keeping in view the facts and circumstances as to whether the said benefit was granted to any other similarly situated employees also or not.

7. Learned counsel for the respondents further submits that qua the petitioners in CWP-16714-2020 and CWP-8228-2021, the claim of the petitioners will be considered for promotion and in case, any promotion has been made to the post of Clerk after 2013, without passing of type test / SETC, the same will be kept in mind while considering the claim of the petitioners for promotion and appropriate orders will be passed on the said grievances of the petitioners within a period of 08 weeks from the date of receipt of copy of this order.

8. With regard to the petitioner in CWP-5599-2019, learned counsel for the respondent submits that the claim of the petitioner for promotion w.e.f. the date of promotion of Ram Niwas, as stated to be junior to the petitioner in CWP-5599-2019 and is also one of the petitioners in CWP-22175-2020, will be considered and appropriate order will be passed within a period of 08 weeks from the date of receipt of copy of this order and in case, it is found that the petitioner is senior to any employee who has already been granted promotion, appropriate decision will be taken.

9. Keeping in view the above, learned counsel for the petitioners submits that keeping in view the statement of learned counsel for the respondents, no further grievance survives in the present petitions and hence,

the present set of petitions may kindly be disposed of, having been not pressed any further.

10. Ordered accordingly.

8th April, 2024

Sonia Puri

(HARSIMRAN SINGH SETHI)
JUDGE

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