



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

325

CWP-9427-2002 (O&M)

Date of Decision: 22.09.2025

H.C. DHARAM VIR

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aditya Yadav, Advocate for the petitioner

Mr. Suneel Ranga, DAG Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 06.06.2002 whereby he was reverted in view of revised seniority list.

2. The petitioner was part of Executive Cadre as Constable. He was interested to join Executive Clerical Cadre (English Branch). The respondent conducted written test for the Constables who were interested to be absorbed in the Executive Clerical Cadre. There was condition that Constable aspiring for Clerical Cadre would have to pass type test. The petitioner cleared written test as well as type test. He was absorbed on 01.05.1996. He was promoted as officiating Head Constable w.e.f. 16.02.2002. There were 14 Constables whose names were removed from Executive Clerical Cadre on the ground that they failed to pass type test despite repeated opportunities. Two of them approached this Court by

way of CWP-1734-1998. A Division Bench of this Court vide order dated 16.08.2000 passed in CWP-1734-1998 titled as '**Const. Raj Paul Singh and Anr. Vs. State of Haryana Ors.**', held that type test was not part of Rules, thus, petitioners could not be reverted to their parent cadre.

3. The respondent in compliance of order dated 16.08.2000 of this Court re-considered seniority of Constables who were absorbed in Executive Clerical Cadre. The respondent vide order dated 06.06.2002 held that Constable-Amarjit Singh and Constable-Rajpal who belong to Reserved Category like petitioner are senior and their claim for promotion as Officiating Head Constable against reservation deserves to be allowed. The relevant extracts of order dated 06.06.2002 read as:-

“After perusal of relevant record, the reply of Head Constable Dharambir Singh 133/RTK to the Show Cause Notice dated 19.4.2002, representation of Ct. Amarjeet Singh & Ct. Raj pal, order of Hon'ble Bench of Justice A.S. Gill and Justice V.S. Aggarwal dated 16.2.2000 passed in CWP No.1734/98 filed by Constable Raj Pal No. 941/RTK and others V/s State of Haryana and keeping in view the equality, natural justice and fair play, he is hereby reverted to the rank of Constable Executive Clerical Cadre (English Branch) with immediate effect. As regard, the representation of Ct. Amarjeet Singh and Ct. Raj Pal 941/RTK regarding their claim for promotion to the rank of offtg. Head Constables against reservation quota in place of Head Constable now Constable Dharambir Singh 133/RTK, the same will be decided separately.”

4. Learned counsel for the petitioner submits that passing of type test was mandatory. The private respondents did not pass type test along with petitioner. They passed type test at a later stage or did not

pass, thus, they were liable to be either reverted to parent cadre or considered junior to petitioner.

5. Learned State counsel submits that authorities have revised seniority list in terms of order dated 16.08.2000 passed by this Court.

6. I have heard learned counsel for the parties and perused the record of the case.

7. The private respondents were protected because of order dated 16.08.2000 passed by this Court. The said order is reproduced as below:-

“Heard learned counsel for the parties.

The grievance of the petitioners is that they alongwith others were promoted to the Clerical Cadre. However, by the impugned order dated 21.3.1997, Annexure P-2, they have been reverted whereas similarly situated Clerks have been retained on the same post. The petitioners have been ignored on the ground that they should qualify the type test.

The respondents rely upon Annexure R-1 which refers to the minutes of the meeting by which it was decided that Clerical Cadre should qualify the type test. It is further mentioned that there are no rules on the subject neither there are any draft rules.

In the given circumstances, it is conceded at the Bar that Annexure R-1 which is relied upon by the respondents in respect of reversion of the petitioners has no legal sanctity. Accordingly, this petition is allowed and the impugned order, Annexure P-2, by which the petitioners have been arbitrarily reverted can not stand the judicial scrutiny and as such is quashed.

No order as to costs.”

8. From the perusal of above-quoted order, it is evident that this Court has held that typing test is not compulsory. The said order has not been set aside by higher Court. As per instructions of respondent, type test was compulsory, thus, petitioner was senior to private respondents, however, in view of order dated 16.08.2000 of this Court, the respondent was bound to consider claim of private respondents ignoring type test. The respondent in compliance of aforesaid order of this Court revised seniority list and conceded claim of private respondents who also belonged to Reserved Category like petitioner.

9. In the wake of above factual position, this Court is of the considered opinion that there is no infirmity in the impugned order dated 06.06.2002 and the instant petition deserves to be dismissed and accordingly dismissed

10. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

September 22nd, 2025
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No