

2026:PHHC:039522



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CWP-13599-2001 (O&M)

Date of decision: March 13, 2026

DEEP CHAND

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: None for the petitioner.

Mr. Aakash Singla, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking a writ of *certiorari* quashing condition no.2 in the promotion order dated 04.12.1996, Annexure P-3, whereby the petitioner has been promoted as Clerk from the post of Peon-cum-Chowkidar. Further, a writ of *mandamus* has been sought directing the respondents to grant him annual increment without insisting upon clearing the type test.

2. Learned State counsel contended that the petitioner was appointed as Peon-cum-Chowkidar on 15.10.1979 and promoted as Clerk vide order dated 04.12.1996; condition no.2 therein required him to “*pass test in typewriting in Hindi or English at the speed of 25/30 W.P.M. respectively*” to be entitled to annual increment. The petitioner accepted the promotion and joined as Clerk without any objection. It was about five years thereafter that he challenged the impugned condition in the promotion order by filing the instant petition, which makes it not maintainable. He further

contended that the said condition is in consonance with the statutory service rules – Haryana Education Department, Sub-Offices, Ministerial (Group-C) Service Rules, 1983. As per Appendix ‘B’ under Rule 7, for promotion to the post of Clerk, apart from other requirements, an employee is required to know Hindi and English typewriting. Accordingly, there is nothing wrong about inclusion of that condition in the promotion order.

3. Considering the submissions, this Court finds that the petition has been filed after an inordinate delay of more than five years from the date of promotion as Clerk, which was accepted by the petitioner without any protest. Besides, there is no denying the fact that there is a requirement in the Rules for the promoted employees to know Hindi or English typewriting. And keeping in view this requirement, a condition has been incorporated in the promotion order that the incumbent should know typing as well, which cannot be termed arbitrary.

4. Accordingly, finding no merit in the petition, it stands dismissed.

March 13, 2026

Jaspreet Kaur

(TRIBHUVAN DAHIYA)

JUDGE

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*