



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

239-C

LPA No.2 of 2022 (O&M)

DATE OF DECISION : 12th MARCH, 2026

**The Chairman, Govt. Polytechnic Education Society Uttawar (Palwal)-
Cum-Commissioner-Cum-Secretary To Government, Haryana,
Chandigarh & Ors**

.... Appellants

Versus

Amit Kumar & others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

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Present : Mr. Saurabh Mohunta, Sr. DAG, Haryana.

Mr. Anand Bhardwaj, Advocate for respondent No.2.
(through Video Conferencing)

Mr. Abhilaksh Grover for respondents No.3 to 5.

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ASHWANI KUMAR MISHRA, J. (Oral)

1. Learned Single Judge has allowed the writ petition filed by the respondents and quashed the orders by which the annual increment, granted earlier to the respondents-petitioners, stood withdrawn.

2. It transpires that advertisement No.10/2007 was published by the Government Polytechnic Education Society Uttawar Palwal on 15.10.2007. Four posts of Clerk-cum-Data Entry Operator were advertised. The selection was based upon a test of 100 marks. Out of the 100 marks, 20 were appropriated towards the eligibility examination, whereas 40 marks were meant for the aptitude test. Out of remaining marks, 20 were for skill test and balance 20 marks were meant for interview. The respondents have not only applied against such advertisement but have also secured their selection in the year 2008.

They were allowed to continue and were also paid yearly increments. It



was only in 2014 that the annual increments granted to the respondents-petitioners were stopped on the ground that they had not cleared the type test.

3. Parties are at issue as to whether a type test was conducted or not. Pleadings on this aspect are however found deficient. One of the grounds on which learned Single Judge has allowed the writ petition is that the benefit of increment granted earlier had been withdrawn without issuing any show cause notice. Impugned action, therefore, was found to be in violation of principles of natural justice.

4. From the admitted pleadings available on record it remains undisputed that before withdrawing the benefit of annual increments, already granted to the respondents, neither show cause notice was issued nor any opportunity was given to explain the facts. This has lead to a finding being returned by the learned Single Judge with regard to denial of opportunity. The finding of the learned Single Judge, on this score, is not shown to be factually incorrect. The finding of the learned Single Judge that impugned action is, therefore, violative of principle of natural justice, has to be sustained. On this short ground itself the appeal filed by the State is dismissed.

5. Learned Single Judge has also noticed that the respondents have worked for more than ten years, satisfactorily, without any complaint that was ever raised on account of lack of typing skill on their part. It is for this reason that learned Single Judge has not granted any liberty to the State to revisit the issue, on this issue.



6. By now, almost 18 years have gone by since the appointment of the respondents. At this late stage and in view of the fact that there is no shortcoming attributed to the respondents on account of lack of typing skills, we would not be justified in interfering in this appeal.
7. In view of the foregoing discussion, the present appeal fails and is dismissed.
8. All the pending application(s), if any, shall stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

12th March, 2026
'raj'

(ROHIT KAPOOR)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No