
(2014) 05 P&H CK 0407
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 8820 of 2014

Dalbir Singh

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision : 08-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0407

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Ashwani Verma, Advocate for the Appellant

Final Decision : Disposed Off

Judgement

Augustine George Masih, J.—Petitioner has approached this Court with a grievance that the condition of passing the type test prior to being entitled to the grant of annual increment on his promotion to the post of Clerk from that of a Peon is not sustainable as the Statutory Rules governing the service i.e. The Haryana Employment Department (Group-C) Services Rules, 1985, as applicable to the department, do not envisage the same nor do the same prescribe such a condition. The Instructions, if any of the Government of Haryana, will not supersede the Statutory Rules. Reliance has been placed upon a judgment passed by the Hon'ble Supreme Court in C.W.P. No. 2159 of 2009 titled as Prem Chand and another v. The State of Haryana and others, decided on 20.07.2010 (Annexure P-2) in support of this contention.

2. Counsel for the petitioner contends that the petitioner, after his promotion on 12.01.2012, had submitted a representation dated 31.07.2012 (Annexure P-3) to The Sub-Divisional Employment Officer, Ratia, District Fatehabad-respondent No. 3, who had forwarded the same to the office of the Director General, Employment Department, Haryana-respondent No. 2 on 01.08.2012 (Annexure P-4) but no response thereto has been received. Petitioner has been denied the benefit of the annual increment because of this condition imposed in the

promotion order.

3. Counsel for the petitioner prays for liberty to file a detailed representation to the Director General, Employment Department, Haryana-respondent No. 2 within a period of three weeks" from today, which may be directed to be considered and decided at an early date.

4. In the light of the statement made by the counsel for the petitioner, the present petition is disposed of with liberty to the petitioner to file a detailed representation to the Director General, Employment Department, Haryana-respondent No. 2 within a period of three weeks" from today. If such a representation is made, the same shall be considered and decided by the said respondent within a period of two months" from the date of submission of such representation.

5. In case the claim of the petitioner is accepted, the consequential benefits, if any, be released to him, in accordance with law, within a further period of one month. In case the claim of the petitioner is not to be accepted, a well-reasoned and speaking order be passed and conveyed to him forthwith.