
(2010) 02 P&H CK 0230
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 12940 of 2007 (O and M)

Ishwar Singh and Others

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 08-02-2010

Acts Referred:

Citation : (2010) 02 P&H CK 0230

Hon'ble Judges : Alok Singh, J;A.K. Goel, J

Bench : Division Bench

Advocate : Suresh Monga, for the Appellant; Ritu Bahri, D.A.G., for the Respondent

Final Decision : Dismissed

Judgement

1. This petition has been filed by thirteen employees working as Clerks in the office of Deputy Commissioner, Karnal and seeks quashing of condition of passing the Type Test in Hindi or English, contained in the letter of promotion dated 6.2.2002, which stipulates that if the Type Test is not passed, they will not get the annual increment. Since the said condition has been incorporated on the basis of Haryana Revenue Department District Subordinate (Group-C) Service Rules, 1988 (for short, "the Rules"), challenge has also been made to the said Rules.

2. We have heard learned Counsel for the parties and perused the record.

3. Contention raised on behalf of the petitioners is that Rule 7 read with Appendix "B", laying down qualification for the post of Clerk, was discriminatory qua promotees, as the condition of annual increment has not been made applicable to the direct recruits. The relevant extract from the said Appendix is as under:

10. Clerk In the case of direct recruitment -

(i) Matric Ist Division or Higher Secondary or its equivalent (ii) Knowledge

Standard. of Hindi upto Matric (iii) Knowing 25/30 words Typewriting in per minute Hindi or respectively. English at the speed of In the case of Promotion, - (i) Matric (ii) Five years experience as Group-C or Group-D employees. (iii) To pass Departmental test in Hindi or English at the speed of 25/30 words per minute, respectively within a period of one year from the date of appointment failing which annual increment shall not be allowed till he qualifies the test. On qualifying annual increments shall be released with retrospective effect from the dates these may otherwise due but no arrear shall be paid for the past period.

4. A perusal of above shows that recruitment can be made only when a candidate has knowledge of typing at speed of 25/30 words per minute which is also a condition for grant of increments to candidates who are appointed by promotion.

5. Learned Counsel for the petitioners, inter-alia, contended that under Rule 9, instructions for appointment have also been issued and one of the instructions is that promotion could be given without knowing typing.

6. This contention cannot be accepted in view of the express condition in Rule 7 of the Rules. The Rules have to be read together.

7. We, thus, do not find any ground to interfere with the condition, requiring passing of the Type Test as per rule for getting increments.

8. The petition is dismissed.