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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-12254-2026 (O&M)
Date of decision: 23.04.2026

Randhir Singh

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jaspal Singh Maanipur, Advocate
for the petitioner.

Mr. R.K. Chaudhary, Advocate
for Mr. Sukhdeep S. Parmar, Advocate
for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned order dated 27.02.2026 (Annexure P-7) passed by respondent No.2 whereby the claim of the petitioner has been rejected again. Further a writ of *mandamus* has been sought, directing the respondents to release the annual increments ignoring the condition No.7 in the promotion order dated 09.09.2014 (Annexure P-1) which is not applicable in the case of petitioner being an employee of the field staff and grant him the benefit along with interest @ 8% per annum. Further prayer has been made to stay the operation of impugned order

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dated 27.02.2026 (Annexure P-7) and direct the respondents to release the annual increment which was stopped without passing any order.

2. Learned counsel for the petitioner has, *inter alia*, contended that the petitioner was promoted as Lower Division Clerk (LDC) from Class IV employee on 09.09.2014. In the promotion order, condition No.7 was imposed, which required passing of Type Test for grant of annual increment, which was specifically applicable to ministerial staff of the Head Office. The petitioner was granted annual increments upto 30.06.2024, however, the same were stopped w.e.f. 01.07.2024 without assigning any reason and without affording any opportunity of hearing. The petitioner served a legal notice dated 18.08.2025. Learned counsel for the petitioner further submits that a similar condition in the promotion letter was came up for scrutiny before this Court in **CWP No. 12350 of 2010**, titled as ***Roshan Lal vs. Uttar Haryana Bijli Vitran Nigam Limited and others***, decided on **02.07.2015**, whereby it has been held that the condition incorporated in terms of the Instructions dated 19.10.1990 is applicable only to Head Office staff and not to the field staff. The judgment rendered by the Coordinate Bench of this Court in ***Roshan Lal's case (supra)*** was upheld in **LPA No.429 of 2016**, decided on **16.01.2017**. Similarly, in a judgment rendered by the Division Bench of this Court in **LPA No.1711 of 2011**, titled as ***Uttar Haryana Bijli Vitran Nigam Limited vs Phool Chand***, decided on **27.08.2013**, it has been held that Type Test requirement is applicable only to direct recruits and not to promotional appointees. Learned counsel for the petitioner

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has further submitted that the petitioner earlier approached this Court by filing **CWP No.3499 of 2026** and this Court vide order dated 06.02.2026 directed the respondents to consider and decide the legal notice of the petitioner. In purported compliance, respondent No.2 passed the impugned order dated 27.02.2026 (Annexure P-7), relying upon the Instructions dated 11.11.2019 (Annexure P-8), which merely withdraw the earlier clarifications issued in the year 1989, and rejected the claim of the petitioner. He has further argued that the impugned order did not discuss as to why the benefit of Instructions dated 19.10.1990, has not been granted to the petitioner. It is further submitted that the petitioner has been deprived of ACP benefits and consequential service benefits, including impact on retiral age and pensionary position, as he would otherwise have continued as Group-D upto the age of 60 years, whereas due to promotion he has to retire at 58 years as Class-C employee. It is thus contended that the stoppage of increments retrospectively without notice is in violation of principles of natural justice. The impugned action of the respondents is arbitrary and violative of Articles 14 and 16 of the Constitution of India.

3. *Per contra*, learned counsel for the respondents opposes the submissions made by learned counsel for the petitioner. He has argued that a specific condition was incorporated in the promotion order dated 09.09.2014, making it mandatory for the petitioner to pass the Type Test, failing which the annual increments were liable to be withheld. Since the petitioner has failed to fulfill the said condition, his annual

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increments were rightly withheld w.e.f. 01.07.2024. It is further contended that the reliance placed by the petitioner upon the Instructions dated 19.10.1990 is misplaced, as the said Instructions stood withdrawn with retrospective effect vide Instructions dated 11.11.2019, being inconsistent with the recruitment and promotion regulations governing non-gazetted staff.

4. In rebuttal, learned counsel for the petitioner has submitted that the Instructions dated 19.10.1990 have not been withdrawn and only certain earlier clarifications issued on 10.05.1989 were withdrawn vide Instructions dated 11.11.2019, which do not affect the rights of the petitioner.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. The issue involved in the present writ petition is no longer *res integra*. The controversy stands squarely covered by the judgment of this Court passed in ***Roshan Lal's case (supra)***, which has attained finality. The operative part of the said judgment reads as follows:-

> *"The petitioner was appointed as a Class-IV employee on 27.03.1981. On 10.03.1997 he was promoted as LDC. This was done in view of memo No. CH.37/Reg-114 dated 10.05.1989 had laid down the following conditions:-*
>
> > *"2. Class-IV employees are required to satisfy two conditions independently i.e.(i) passing the Matriculation Examination (ii) 5 years service, then they would be eligible for the promotion/appointment to the post of LDCs/MRs. Total period of 5 years is to be taken into account irrespective of passing the matric examination."*

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However, in his promotion order another condition was imposed viz. that he would have to pass the typing test. Since the petitioner did not pass the type test he was denied the benefit of increments and ACP.

The precise argument of the learned counsel for the petitioner is that this condition of passing of typing test, being extraneous to the policy of promotion, could not have been imposed upon him. Learned counsel for the respondents, however, argues that after the letter dated 10.05.1989(supra), respondents issued another notification dated 19.10.1990 and as per that notification there was a stipulation that a promoted official would have to pass the type test. Learned counsel for the petitioner has drawn the attention of the Court to the head note of this notification and the same is quoted hereinbelow:-

> *"No. 82/Reg-29 ¼L-I. In exercise of powers conferred under clause(c) of Section-79 of Electricity (Supply)Act, 1948 and all other enabling powers in this behalf, the Haryana State Elecy. Board is pleased to make the following Revised Recruitment and Promotion Policy in respect of Ministerial Service (Head Office Cadre):- ...."*

He has further relied upon clause 8 of this notification which is also quoted herein below:-

> *"The above notification is in partial modification of the O/O No. 891/ENG/G-26/L-17 dated 7.10.78 and supersedes all previous Rules/Regulations, Orders and instructions issued by the Board from time to time relating to Recruitment and Promotion Policy in resect of categories detailed in this notification."*

As per learned counsel a reading of the above two extracts makes it clear that this notification is applicable only to staff at the head office and is not applicable to the employees like the petitioner who are members of the field staff and as regards the field staff he has relied upon a

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decision of this Court in Uttar Haryana Bijli Vitran Nigam Ltd. v. Phool Chand, LPA No. 1711 of 2011 decided on 27th August, 2013. In that case this Court had held that while the condition of passing of type test was applicable to direct recruits, it was not applicable to promotees.

In my opinion the argument of leaned counsel for the petitioner has to prevail. A perusal of the provisions of the policy of 19.10.1990 quoted above clearly reveals that they were intended only for the staff in the ministerial cadre. Clause 8 of the said policy specifically states so.

Consequently it has to be held that the condition imposed in the promotion order of the petitioner regarding passing of the type test is illegal. The same is hereby quashed. In the circumstances the respondents are directed to work out the benefits which are now payable to the petitioner and release them to him within a period of three months from the date of receipt of a certified copy of this order failing which the petitioner would be entitled to claim the same with interest at the rate of 8% p.a. from the date/s the amount/s fell due till the date of payment."

7. A perusal of the aforesaid judgment leaves no manner of doubt that the condition regarding passing of the Type Test cannot be imposed upon the employees belonging to the field cadre who have been promoted to the post of LDC. The said judgment has already been upheld by the Division Bench of this Court and has attained finality.

8. In the present case, the petitioner was admittedly promoted from a Class IV post and had been granted annual increments for a considerable period. The stoppage of increments w.e.f. 01.07.2024 without any order, show-cause notice and without affording an

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opportunity of hearing to the petitioner, is arbitrary and violative of Articles 14 and 16 of the Constitution of India.

9. Consequently, the impugned order dated 27.02.2026 (Annexure P-7) cannot be sustained in the eyes of law and the same is hereby set-aside. The respondents are directed to grant the benefit of annual increments to the petitioner which were stopped w.e.f. 01.07.2024. The respondents shall further recalculate the pensionary benefits of the petitioner as well as the arrears by taking into account the annual increments granted to him on 09.09.2014.

10. The aforesaid exercise shall be carried out by the respondents within a period of three months from the date of receipt of a certified copy of this order. The petitioner shall also be entitled to interest @ 6% per annum on the arrears of salary arising on account of withheld annual increments w.e.f. 01.07.2024, along with consequential arrears of pensionary benefits, from the date the same became due till the date of actual payment.

11. The writ petition is, accordingly, allowed in the above terms.

(HARPREET SINGH BRAR)
JUDGE

23.04.2026
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No