

Chander Pal

v.

Renu S Phullia and another

Present : Mr. Padamkant Dwivedi, Advocate with
Ms. Anshu and Ms. Ayushi, Advocate,
for the petitioner.

Mr. Harshit Singla, AAG, Haryana.

I have heard counsel for the petitioner as well as the counsel representing the respondents.

Some of the employees of Department of Women and Child Development, Government of Haryana approached this Court by way of filing writ petitions assailing notification dated 17.11.2018 whereby the condition of State Eligibility Test in Computer Appreciation and Applications (SETC) was made compulsory for all currently working Clerks and for all those who wanted to work as Clerk on promotion or by direct recruitment.

Initially, order dated 04.09.2018 was passed by Larger Bench of this Court in writ petitions i.e. CWP-7630-2016, CWP-4053-2017, CWP-18084-2016 and CWP-17278-2018 whereby Chief Secretary of the State of Haryana was required to look into the matter personally and to take a decision regarding the said aspect. Thereafter, in the order dated 21.2.2019 passed in CWP-18143-2018, referring to the notification dated 07.11.2013 requiring the condition of passing SETC by the Clerks, a statement was made on behalf of the State counsel that 07.11.2013 is the cut off date which means that those who have been promoted after the said date will have to compulsorily pass the test. Said cut off date was accepted by Larger Bench which has been noted in the aforesaid dated 21.02.2019 (Annexure P-2) and

the petition filed on behalf of the petitioner-Chander Pal and others was disposed of vide order dated 08.05.2019 (Annexure P-1).

In pursuance to the aforesaid undertaking given before Larger Bench of this Court, Under Secretary, General Service-II for Chief Secretary to Government of Haryana issued departmental instructions dated 01.05.2019 (Annexure P-4) to all the Administrative Heads of the departments in the State of Haryana and informed the decision of the Government that all those persons who have been promoted to the post of Clerks after 07.11.2013 shall have to clear SETC test. It is only after the said departmental instructions were issued to all the Heads of the Departments, the writ petition of the petitioner was disposed of on 08.05.2019. However, the petitioner was initially granted the benefit of increment with effect from 19.10.2006 vide order dated 24.12.2019 passed by Director, Women & Child Development Department, Haryana, Panchkula (Annexure P-6) but subsequently, the said order was unilaterally withdrawn by the Director by passing subsequent order dated 18.09.2020 (Annexure P-8).

In the reply, a plea has been taken that the issue of departmental test was neither decided nor the petitioner was exempted by this Court from passing type test while deciding CWP-18084-2016.

Once a statement has been made on behalf of Government before Larger Bench which is reflected in para. 3 of the order dated 21.02.2019 (Annexure P-2) and even departmental notification has been issued informing about the said decision taken by the Government by way of issuing instructions dated 01.05.2019 (Annexure P-4), withdrawal of the benefit initially granted to the petitioner is, *prima facie* violative of the statement recorded/undertaking given before Larger Bench on behalf of the respondents.

As such, withdrawal of benefit order dated 16.09.2020 (Annexure P-8) which is under the signatures of Dr. Renu S Phullia, respondent No.1 make out a *prima facie* case for issuance of notice of accusation/charges under Sections 10 and 12 of the Contempt of Courts Act, 1971.

Adjourned to 28.04.2026.

Let respondent No.1 appear in person on that day.

(**HARPREET KAUR JEEWAN**)
JUDGE

December 4, 2025
Paritosh Kumar