

136 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 24389 of 2016

Date of Decision: 28.11.2016

O.P.S. AHLAWAT

...Petitioner

VS.

STATE OF HARYANA AND OTHERS

...Respondents

CWP No. 24411 of 2016

HARI RAM

...Petitioner

VS.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Sunny Bhardwaj, Advocate,
for the petitioner(s).

KULDIP SINGH, J (ORAL)

This order will dispose of above two writ petitions bearing *CWP No. 24389 of 2016 and CWP No. 24411 of 2016* arising out of the same facts.

The petitioner(s) by way of their respective writ petitions have impugned the order dated 01.08.2016 (*Annexure P-19*) passed by the Excise and Taxation Department, Government of Haryana, wherein the petitioner(s) has been given one more opportunity to pass departmental examination.

Brief facts of these cases are that petitioner(s) was promoted as Taxation Commissioner. He was required to pass the departmental examination as required under the Haryana Excise and Taxation Group-B Service Rules, 1988, which was later on extended to three years but he failed to pass the same. Thereafter, vide the impugned order one more opportunity was given to the petitioner to pass the departmental examination. The learned

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counsel for the petitioner argues that since some other employees have been granted exemption from passing the departmental examination, therefore, the petitioner shall also be given the benefit of exemption from passing the departmental examination.

I am of the view that vide notification dated 25.02.2010, the provision of grant of exemption from passing the departmental examination has been done away with. The petitioner, as a matter of right, cannot claim exemption from passing of the departmental examination. The impugned order, giving chance to the petitioner to pass the departmental examination cannot be called illegal or contrary to the Rules or law. No ground to interfere the impugned order.

In view of the above, since, no ground to interfere with the impugned order dated 01.08.2016 (*Annexure P-19*) is made out, therefore, the present writ petitions stand dismissed.

November 28, 2016

Suresh Kumar

(KULDIP SINGH)
JUDGE

***Whether speaking / reasoned* :**

✓
Yes / No

***Whether Reportable* :**

✓
Yes / No