From

The Labour Commissioner,
Haryana, Chandigarh.

To

All DDOs,
Labour Department, Haryana.

No. Estt/2020/ 1080-1131
Dated: 12/01/2020

**Subject:- Regarding SETC compulsory for all who are working as Clerks and those want to work as Clerk on promotion or by direct recruitment.**

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In continuation of this office letter No. Estt/05/2019/21933-88 dated 25.7.2019 on the subject cited above.

2. Vide said letter, it was made clear to all the DDO that passing of SETC was made compulsory for all the Clerks / Steno-typists and such employees are not entitled to annual increment(s) unless they qualify the said examination.

3. However, in view of decision dated 24.9.2020 of the Hon'ble High Court rendered in CWP No. 11842 of 2020 titled as "Surender Singh and others Versus State of Haryana", the Government has taken the following decisions:-

(i) The condition for passing of SETC shall not be imposed upon the Clerks / Steno Typists, who were initially appointed / recruited as such on or before 07.11.2013.
(ii) The Clerks / Steno-Typists initially appointed / recruited on or before 07.11.2013 shall pass the Type Test as prescribed in their Service Rules and they shall be allowed all benefits including pending increments, promotions on seniority-cum-merit basis and ACP benefits.
(iii) That all those persons who have been appointed / promoted to the post of Clerk after 07.11.2013 shall have to clear SETC test.
(iv) 10 (Ten) chances to qualify the SETC exam shall be provided to all those who have been promoted after 07.11.2013, during maximum duration of two years irrespective of the chances availed earlier. The ten chances (irrespective of any chances availed earlier) shall also be allowed to all the persons who have been reverted due to non passing of SETC.

A copy of instructions dated 22.12.2020 issued by the Chief Secretary to Government, to all Heads of Departments etc. etc. is attached.

4. It is also relevant to submit here that in view of direction dated 25.7.2019 issued by this office, various DDOs have stopped the annual increment(s) of the employees who have not qualified SETC examination. Aggrieved by this, some of the employees have filed two writ petitions i.e. CWP No. 25842 of 2019 titled as "Sumer Singh and Others Versus State of Haryana and others" and CWP No. 31989 of 2019 titled as "Navneet Sharma and others Versus State of Haryana and others" which are pending decision before the Hon'ble High Court. Memo of parties of above said writ petitions are attached herewith.

5. In view of latest decision of the Haryana Government issued vide letter dated 22.12.2020 such Clerks / Steno Typists, who were initially appointed / recruited as such on or before 07.11.2013, are not required to pass SETC examination. Since, the employees who have filed writ petitions in the Hon'ble High Court joined the Labour Department prior to 07.11.2013, **so such employees are entitled to grant of increments, if such employees, have passed type test as prescribed in the notified service rules.**

You are, therefore, directed to release the withheld increment(s) with consequential benefits, immediately to such employees, who were appointed/recruited in the Labour Department on or before 7.11.2013 and have passed the type test as prescribed in the notified service rules. so that the Hon'ble High Court may be informed accordingly as the matter is pending with the Hon'ble High Court.

Encl/As Above.

Addl. Labour Commissioner (Admn.),
for Labour Commissioner, Haryana.

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. 31989 /2019

1. Navneet Sharma S/o Sh. Radhey Shyam Sharma, Aged 29 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director-I, Sonepat, R/o H.No.764, Ward No.15, Gandhi Nagar, Ganaur, District Sonepat (Haryana).

2. Chand Ram S/o Sh. Kartar Singh, Aged 48 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director-I, Sonepat, R/o VPO Sisana-I, District Sonpeat (Haryana).

3. Mukesh Kumar S/o Sh. Ram Kishan, Aged 33 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner-I, Sonpeat, R/o H.No.737/29, Vikas Nagar, Sonepat (Haryana).

4. Pooja D/o Sh. Jaipal Singh, Aged 31 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner-II, Sonepat R/o H.No.762/29, Vikas Nagar, Sonepat (Haryana).

5. Pardeep Kumar S/o Sh. Karambeer, Aged 33 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director, Panipat, R/o VPO Teha, District Sonepat (Haryana).

6. Sanjay Kumar S/o Sh. Jai Bhagwan, Aged 37 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director, Panipat, R/o VPO Sanghi, District Rohtak (Haryana).

7. Ankesh Kumar S/o Sh. Sube Singh, Aged 29 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Deputy Labour Commissioner, Panipat, R/o VPO Bassi, District Rohtak (Haryana).

8. Rajesh S/o Sh. Dhanpat Singh, Aged 37 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Deputy Labour Commissioner, Panipat, R/o VPO Kailana, District Sonepat (Haryana).

9. Dilbag Singh S/o Sh. Ishwar Singh, Aged 35 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director, Panipat, R/o VPO Atawla, District Panipat (Haryana).

10. Tofeek Ahmed S/o Sh. Haki Muddin, Aged 35 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner, Mewat, R/o VPO Aterna Shashabad, Nagina, District Nuh (Haryana).

11. Deepshikha D/o Sh. Darshan Lal, Aged 33 Years, working as Steno Typist (English), Department of Labour, Government of Haryana, Head Quarter, 30 Bays Building, Sector 17, Chandigarh, R/o H.No.270, Sector 14, Panchkula (Haryana).

12 Lakshman Singh S/o Sh. Harchandi Lal, Aged 38 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner, Palwal, R/o VPO Nangla Bhiku, District Palwal (Haryana).

..Petitioners

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. 9584R /2019

1. Sumer Singh S/o Sh. Chhotu Ram, Aged 48 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner, Bahadurgarh, District Jhajjar, R/o VPO Nilaheri, District Jhajjar (Haryana).

2. Vikramjeet Singh S/o Sh. Jagpal Singh, Aged 33 Years, working as Clerk, Department of Labour, Government of Haryana, Head Quarter, 30 Bays Building, Sector 17, Chandigarh, R/o H.No.105, HSAMB Colony, Sector 14, Panchkula (Haryana).

3. Pardeep S/o Sh. Bhoop Singh, Aged 30 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Deputy Labour Commissioner, Rohtak, R/o VPO Titoli, District Rohtak (Haryana).

4. Manoj Kumar S/o Sh. Azad Singh, Aged 28 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Deputy Director-I, Gurugram, R/o VPO Padhana, District Jind (Haryana).

5. Suresh Kumar S/o Sh. Banwari Lal, Aged 42 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director-II, Gurugram, R/o VPO Sihana, Narnaul, District Mahendergarh (Haryana).

6. Naveen Kumar S/o Sh. Satyawan Singh, Aged 35 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director-II, Gurugram, R/o VPO Garhwali, District Jind (Haryana).

7. Dayaveer S/o Sh. Rajinder Singh, Aged 38 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. 9584 /2019

1. Sumer Singh S/o Sh. Chhotu Ram, Aged 48 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner, Bahadurgarh, District Jhajjar, R/o VPO Nilaheri, District Jhajjar (Haryana).

2. Vikramjeet Singh S/o Sh. Jagpal Singh, Aged 33 Years, working as Clerk, Department of Labour, Government of Haryana, Head Quarter, 30 Bays Building, Sector 17, Chandigarh, R/o H.No.105, HSAMB Colony, Sector 14, Panchkula (Haryana).

3. Pardeep S/o Sh. Bhoop Singh, Aged 30 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Deputy Labour Commissioner, Rohtak, R/o VPO Titoli, District Rohtak (Haryana).

4. Manoj Kumar S/o Sh. Azad Singh, Aged 28 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Deputy Director-I, Gurugram, R/o VPO Padhana, District Jind (Haryana).

5. Suresh Kumar S/o Sh. Banwari Lal, Aged 42 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director-II, Gurugram, R/o VPO Sihana, Narnaul, District Mahendergarh (Haryana).

6. Naveen Kumar S/o Sh. Satyawan Singh, Aged 35 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director-II, Gurugram, R/o VPO Garhwali, District Jind (Haryana).

7. Dayaveer S/o Sh. Rajinder Singh, Aged 38 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour

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Commissioner-IV, Gurugram, R/o VPO Gongcicha Ahir, District Rewari (Haryana).

8. Kuldeep Kumar S/o Sh. Satyawan, Aged 32 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner-II, Gurugram, R/o VPO Bhurawas, District Jhajjar (Haryana).

9. Kapil Dev S/o Sh. Jai Bhagwan, Aged 30 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director (Chemical), Gurugram, R/o VPO Girdharpur, District Jhajjar (Haryana).

10. Ashok Kumar S/o Sh. Rajvir Singh, Aged 35 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner-IV, Faridabad, R/o VPO Kheri Aasra, District Jhajjar (Haryana).

11. Kamal Kumar S/o Sh. Balwan Singh, Aged 34 Years, working as Steno Typist (English), Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner, Rewari, R/o VPO Chandpur Bawalhood, District Rewari (Haryana).

12. Suman Kumari D/o Sh. Ramotar, Aged 34 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner, Rewari, R/o VPO Gokalgarh, District Rewari (Haryana).

13. Reena Yadav D/o Sh. Maha Singh, Aged 39 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner, Rewari, R/o VPO Ateli Mandi, District Mahendergarh (Haryana).

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14. Gaurav Dhamija S/o Sh. Om Parkash Dhamija, Aged 32 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner, Rewari, R/o H.No.375, Sector-4, Rewari (Haryana).

15. Amit Kumar S/o Sh. Satish Kumar, Aged 28 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director, Rewari, R/o VPO Karawara Manakpur, District Rewari (Haryana).

16. Somvir S/o Sh. Tek Chand Yadav, Aged 38 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Welfare Officer Women, Faridabad, R/o H.No.386/16, Subhash Nagar, Hansi, District Hisar (Haryana).

17. Ved Prakash Yadav S/o Sh. Sohan Pal, Aged 29 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director-II, Faridabad, R/o H.No.399, Ballabgarh, District Faridabad (Haryana).

18. Virsain S/o Sh. Suraj Bhan, Aged 46 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director, Industrial Health, Faridabad, R/o VPO Sawar, District Charkhi Dadri (Haryana).

19. Ajit Dagar S/o Sh. Bharat Lal Dagar, Aged 30 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Director-I, Faridabad, R/o Rajiv Colony, Sector 56, Faridabad (Haryana).

20. Pardeep Kumar S/o Sh. Rajbir Singh, Aged 30 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Labour Court-I, Faridabad, R/o VPO Khokhari, District Jind (Haryana).

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21. Madan Lal S/o Sh. Shri Chand, Aged 29 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Labour Court-III, Faridabad, R/o VPO Palari, Nuh, District Mewat (Haryana).

22. Dinesh Kumar S/o Sh. Mahender Singh, Aged 33 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Labour Court-II, Gurugram, R/o Gandhi Nagar, Nathera Road, Railway Station Road, Kosli, Rewari (Haryana).

23. Parvin Kumar S/o Sh. Sube Singh, Aged 35 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner-II, Gurugram, R/o VPO Tumna, Kosli, District Rewari (Haryana).

24. Yogender S/o Sh. Ved Prakash, Aged 33 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Labour Court, Gurugram, R/o VPO Fortia Kehar, District Bhiwani (Haryana).

25. Yeshvir Singh S/o Sh. Rajpal Singh, Aged 37 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner-4, Gurugram, R/o VPO Beri, District Jhajjar (Haryana).

26. Sunil Kumari D/o Sh. Kartar Singh, Aged 45 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Labour Court, Rohtak, R/o H.No.674/C, Kamal Colony, Rohtak (Haryana).

27. Chetna D/o Sh. Satyawan Singh, Aged 34 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Labour Court, Rohtak, R/o VPO Paksma, Rohtak (Haryana).

28. Raj Kumar S/o Sh. Satbir, Aged 35 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour

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Commissioner, Bhiwani, R/oVPO Dhani Thakrian, District Hisar (Haryana).

29. Baljit S/o Sh. Raghuvir Singh, Aged 37 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner, Bhiwani, R/o VPO Badesra, District Bhiwani (Haryana).

30. Kalu Ram S/o Sh. Anand Singh, Aged 35 Years, working as Clerk, Department of Labour, Government of Haryana, O/o Assistant Labour Commissioner, Bhiwani, R/o VPO Kokroli Hukmi, District Charkhi Dadri (Haryana).

Petitioners

No. 17/30/2020-3GS-II
HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT

To,

(i) All the Administrative Secretaries to Government, Haryana.
(ii) All the Heads of Departments, Haryana.
(iii) The Divisional Commissioners, Ambala/Hisar/Rohtak/Gurugram/Karnal and Faridabad.
(iv) All the Managing Directors/Chief Administrators of Boards/ Corporations /Public Undertakings in Haryana.
(v) All the Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
(vi) All the Registrars of Universities in Haryana State.

Dated Chandigarh the: 22.12.2020

Subject: **Regarding SETC (State Eligibility Test in Computer Appreciation and Application) – compulsory for all who are working as Clerks and those want to work as Clerk on promotion or by direct recruitment and issuance of clarification thereof regarding non-applicability of SETC upon the Clerks, who were initially appointed/recruited as Clerk & Steno Typist in any Department/Board & Corporation before 07-11-2013.**

Sir / Madam,

I am directed to refer to this Department's Instruction issued vide No. 17/28/2018-3GSII, dated 17.11.2018 wherein it was conveyed that the Government has made SETC compulsory for persons who are promoted to the post of Clerk and the SETC was prescribed as a mandatory eligibility condition for recruitment to Group-C posts of Clerks and later vide No. 17/17/2019-3GSII, dated 01.05.2019, in which it was clarified that all those persons, who have been promoted to the post of Clerk after 07.11.2013, shall have to clear SETC Test in 10 chances within two years.

2. In the recent order dated 24.09.2020 passed by Hon'ble High Court in CWP No. 11842 of 2020 titled as Surender Singh & others versus State of Haryana, Hon'ble High Court has categorically held that **"it is therefore too late in day for the authorities to claim that the cut-off dated has no sanctity and insist upon all Clerks and Steno-typists, irrespective of the date of their appointment/promotion, to compulsorily pass the SETC. As per the stand to which it committed itself, the Government of Haryana cannot insist upon such qualification from those who were promoted/appointed as Clerks or Steno-typists before 07.11.2013" and has observed that " Though the authorities seek to place reliance on the earlier order dated 04.09.2018, passed in Uma Kant (Supra), ignoring the order dated 21.02.2019 passed in Nissar Ahmad (Supra), it may be noted that the very same learned Judge presided over both the Division Benches. Therefore, the later view should prevail."** The Hon'ble High Court **also observed that "The Government of**

Haryana also accepted this and issued the clarification dated 01.05.2019 stating to the same effect as in Nissar Ahmad (Supra)."

3. After due consideration, the Government has decided to implement the order dated 24.09.2020 passed by Hon'ble High Court in CWP No. 11842 of 2020 titled as Surender Singh and others Vs. State of Haryana and therefore, the Government has taken the following decision: -

(a) The condition for passing of SETC shall not be imposed upon the Clerks/Steno Typists who were initially appointed/recruited as such on or before 07.11.2013.

(b) The Clerks/Steno Typists initially appointed/recruited on or before 07.11.2013 shall pass the Type Test as prescribed in their Service Rules and they shall be allowed all benefits including pending increments, promotions on seniority-cum merit basis and ACP benefits.

(C) That all those persons who have been appointed/promoted to the post of Clerk after 07.11.2013 shall have to clear SETC test.

(d) 10 (Ten) chances to qualify the SETC exam shall be provided to all those who have been promoted after 07.11.2013, during maximum duration of two years irrespective of the chances availed earlier. The ten chances (irrespective of any chances availed earlier) shall also be allowed to all the persons who have been reverted due to non passing of SETC.

4. The strict compliance of these instructions may be ensured.

Under Secretary, General Services-II
for Chief Secretary to Government Haryana.