

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CWP No.20888 of 2011 (O&M)

Date of decision:26.09.2016

Shiv Kumar Vats & another

... Petitioners

Vs.

State of Haryana & another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. S.P. Chahar, Advocate for the petitioners.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J.

The petitioners who was serving as Executive Officers under the Urban Local Bodies Department, State of Haryana filed the instant writ petition in the year 2011 seeking issuance of a writ of mandamus for directing the respondents to post/adjust them on the post of Deputy Municipal Commissioners in the newly created Municipal Corporation in the State of Haryana. Such claim was being pressed also on the ground that one Sh. Y.S. Gupta had been so adjusted.

Upon notice of motion having been issued, a reply on behalf of respondents No.1 & 2 has been filed and placed on record.

In the written statement, a stand has been taken that the proposal for filling up the post of Deputy Municipal Commissioner from amongst Executive Officer had been initiated but upon legal opinion having been sought, the Legal Remembrancer had opined that pay scales of the post of Deputy Municipal Commissioner and Executive Officer is not identical.

Moreover, the post of Executive Officer does not even exist in the

Municipal Corporation Service Rules, 1998 and accordingly such

adjustment is not feasible. It has further been stated that a decision has been taken to frame the Service Rules prior to filling up the post of Deputy Municipal Commissioner under the Municipal Corporations and such matter is under process/consideration. Insofar as Sh. Y.S. Gupta is concerned, it has been stated that subsequently the benefit accorded to him stands withdrawn.

Learned State counsel would refer to paragraph 5 of the preliminary submissions contained in the written statement to submit that the post of Deputy Municipal Commissioner would be filled up only after framing the Service Rules and the claim of the petitioners would also be considered in accordance with the Service Rules that would be framed and subject to their eligibility.

In view of such categoric stand taken, no further directions are required to be passed in the instant writ petition and the same is accordingly disposed of.

26.09.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |