

291/1

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

CWP No. 15842 of 2017
Date of Decision:11.10.2017

Ripan Kumar

.....Petitioner

Vs.

State of Haryana and another

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Ferry Sofat, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

AMOL RATTAN SINGH, J. (Oral)

Learned State counsel has produced in Court today Rules notified on 03.06.2016, called the Haryana Fire (Group-C) Service Rules 2016, Rule 18 of which stipulates that a member of the service shall be liable to serve at any place, whether within or outside the State of Haryana, on being ordered to do so by the appointing authority. The appointing authority of a Driver, as shown in Appendix C of the aforesaid Rules, is the Director, Fire Services, Haryana.

Learned counsel for the petitioner on the other hand has relied upon a communication from the Principal Secretary to the Government of Haryana, Urban Local Bodies Department, addressed to Commissioners of Municipal Corporations on 20.03.2017, in which it has been directed that as Drawing and Disbursing Officers (DDOs) at the District level

have not been declared as yet, salaries would be disbursed to the Fire Staff from the funds from where they were earlier being disbursed.

He submits that in view of the aforesaid letter it is obvious that the aforesaid Rules have not been enforced as yet.

In the opinion of this Court simply because for the purpose of distribution of salary certain instructions have been issued, it would not override the Rules notified by the State under the proviso to Article 309 of the Constitution. Hence, the petitioner having been posted from the Fire Station, Municipal Corporation, Yamuna Nagar to the Fire Station, Municipal Corporation, Panchkula, I see no reason why the impugned order should be quashed.

Consequently, the writ petition is dismissed.

October 11, 2017

dharamvir

(Amol Rattan Singh)

Judge

Whether speaking/reasoned : YES/NO

Whether Reportable : YES/NO