

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

CWP-15258-2012 (O&M)
Date of decision : 10.08.2018

Sukhdev Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Raman Sharma, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Suram Singh Rana, Advocate for respondent No.4.

JITENDRA CHAUHAN, J.

Prayer in the present petition filed under Articles 226/227 of the Constitution of India, *inter alia*, is for quashing or order dated 04.08.2004 (Annexure P-4), whereby, respondent No.4 has been promoted as Fire Station Officer.

Contents that the petitioner has been denied consideration on the ground that the Punjab Municipal Services (Recruitment and Conditions of Service) Rules, 1978 (for short, 'the Rules'), under which his candidature was considered, are not applicable in the given case. Further, the petitioner was not granted any opportunity to acquire the necessary qualification from the National Fire Service College, Nagpur. Respondent No.4 proceeded without permission from the Department to obtain the necessary diploma.

On being caught, he furnished an affidavit (Annexure P-9) to the effect that

he will not claim any seniority or post of Station Fire Officer on the basis of the said course.

Heard.

Undertaking, if any, given by respondent No.4 cannot be made the sole basis of ineligibility of respondent No.4 for the post in question. The issue in this case is with regard to the eligibility of the petitioner. The petitioner has laid claim on the post on the basis of the course undergone by him at Alloy Steel Plant, Durgapur, from 14.11.1977 to 21.01.1978 i.e. 2 months and 7 days. The said course or experience, if any, is clearly less than 90 days, therefore, the Court holds that the petitioner does not hold the necessary diploma required to be considered for the post in question.

So far as the veracity of the diploma held by respondent No.4 is concerned, respondent No.1 is directed to call for the record of respondent No.4 and in case, any deficiency is noticed on scrutiny of the documents and/or diploma submitted by respondent No.4, appropriate action as per law be taken against him within three months from the day of receipt of certified copy of this order.

Disposed of, accordingly.

10.08.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No