

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

CWP No. 262-2018

Date of decision : 13.09.2018

Mam Raj and others

...Petitioners

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sunil K. Nehra, Advocate
for the petitioners.

Mr. Kiran Pal Singh, A.A.G. Haryana

Mr. Kuldeep Tanwar, Advocate
for respondent No. 3.

RITU BAHRI , J. (Oral)

In the present writ petition, the petitioners are seeking quashing of advertisement dated 19.12.2017 (P-13) and further prayer is for issuance of directions to the respondents to promote the petitioners on the post of Sub Fire Officers.

Learned counsel for the petitioners at the very outset has referred to order dated 19.04.2017 passed by this Court in CWP No. 71115-2015 and connected matters (P-14) wherein petitioners were in the cadre of Sub Fire Officers in the Fire Department and their next promotional post was Fire Station Officer. In that case, learned State counsel on instructions states that rules have been framed on 03.06.2016 and further they have assigned seniority also for the purpose of promotion to the post of Fire Station Officer. This Court direction the appointing authority to take a

decision, in view of decision of Hon'ble the Supreme Court in a case of *Y.V. Rangaiah and others v. J. Sreenivasa Rao and others 1983 (3) SCC 284*.

In the present case as well, the petitioners are seeking similar directions.

The respondents cannot rely upon the Haryana Fire (Group C) Services Rules, 2016, as the principle of old vacancy old rule has to be followed by the department. Since all the above 97 sanctioned posts are lying vacant prior to the promulgation of the 2016 rules, these posts can only be filled by way of promotion and not by direct recruitment. Further the similarly situated persons have also been promoted by the department vide order dated 07.04.2017 (P-15).

In view of the above factual position, the instant petition is disposed of with a direction to respondents to consider the case of the petitioners for promotion, as per Haryana Municipal Services (Integration Recruitment and Conditions of Service) Rules, 1982 and pass appropriate orders within a period of three months and inform this Court.

(RITU BAHRI)
JUDGE

13.09.2018
G Arora

Whether speaking/reasoned	Yes
Whether reportable	No