

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.2215 of 2019
DATE OF DECISION : 5th FEBRUARY, 2019

Bachan Singh

.... Petitioner

Versus

The State of Haryana & another

.... Respondents

CORAM: HON'BLE MR. JUSTICE A. B. CHAUDHARI
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

* * * *

Present : Mr. Abhishek K. Premi, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (Oral)

Heard learned counsel for the petitioner.

Following is the prayer in the present writ petition:

Civil Writ Petition under Article 226 of the Constitution of India for issuance of writ in the nature of Certiorari for quashing the impugned rule 9 (1)(f) & 9 (1) (g) read with serial No.7 of Apendix B of Haryana Fire (Group - C) Service Rules 2016 issued by respondent vide notification dated 03.06.2016 (Annexure P/6) wherein the post of Firemen has been abolished and a new post i.e. Fire Operator has been created, resultantly, the promotional avenues of the existing Firemen working in respondent department came to an end, being illegal, arbitrary and against the provisions of Law.

AND/OR

Further issue a Writ in the nature of Mandamus directing the Respondents to amend the Haryana Fire (Group-C) Service Rules 2016 or in the alternative Redesignate the cadre of Firemen to

the post of Fire Operator w.e.f. 03.06.2016, the day when the rules of 2016 came into existence.

AND/OR

Further issue a Writ in the nature of Certiorari for quashing the letter dated 23.10.2018 (Annexure P-/8) to the extent that the Respondents are promoting Firemen to the post of Leading Firemen, despite the fact that Five Years experience as Fire Operator is required to be promoted as Leading Firemen, being illegal, arbitrary and against the provisions of Law. xxx..”

It is not in dispute that the petitioner has come to this Court by way of present writ petition without pursuing the representation dated 18.12.2018 (Annexure P-9) filed by the petitioner.

In our opinion, it would be appropriate for the petitioner to pursue the said representation in order that this Court would have appropriate and proper reasons that would be assigned by the authorities.

In that view of the matter, we dispose of the present writ petition by directing respondent No.2 to decide the representation dated 18.12.2018 (Annexure P-9), if necessary, after hearing the petitioner.

(A. B. CHAUDHARI)
JUDGE

5TH FEBRUARY, 2019
‘raj’

(ANUPINDER SINGH GREWAL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>