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

CWP No.9674 of 2020

Date of Decision: 13.07.2020

BALWAN SINGH AND ANOTHERPetitioners

Vs

STATE OF HARYANA AND OTHERSRespondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Sharmila Sharma, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioners have preferred this writ petition for the issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the respondents to promote the petitioners as Sub-Fire Officers as per Haryana Municipal Service Integration Recruitment and Conditions of Service, Rules 1982 following the principle of old vacancy old rule in view of facts and circumstances of the case.

Petitioners allege that they have completed course of Sub-Fire Officer from NFSC, Nagpur and fulfill all the requisite qualifications for promotion to the post of Sub-Fire Officers. Petitioner No.1 was appointed as Fireman on 30.01.1990. He

was promoted to the post of Leading Fireman on 27.08.2013. Similarly, petitioner No.2 was appointed as Fireman on 02.05.1996 and he was also promoted to the post of Leading Fireman on 25.07.2013.

Petitioners have been performing their duties to the entire satisfaction of their superiors. At the time of joining of the petitioners, the Haryana Municipal Services (Integrated Recruitment and Conditions of Service) Rules, 1982 were in force. Next promotion from the post of Leading Fireman is to the post of Sub-Fire Officer. The qualification and experience for the promotion to the post of Sub-Fire Officer is matriculation and the candidate should possess certificate of Sub-Officer's Course from National Fire Service College, Nagpur with five years service as Leading Fireman in A & B class Committees.

Evidently, the post of Sub-Fire Officer can only be filled by way of promotion. No person can be appointed directly to the post of Sub-Fire Officer.

Learned counsel further submitted that the candidatures of the petitioners were duly recommended for promotion as Sub-Fire Officers to the Deputy Commissioner, Kurukshetra in the year 2014. Petitioner No.1 had already completed Sub-Officers Course at National Fire College, Nagpur in the year 2005. Petitioner No.2 has also completed Sub-

Officer's Course from the same Institute in the year 2006. The certificates issued by the National Fire Service College on 28.06.2006 and 17.04.2007 would advance the cases of the petitioners for promotion to the post of Sub-Fire Officer. The seniority list has already been finalized, but needful in the context of further promotion to the post of Sub-Fire Officers has not been done by the Director, Urban Bodies, Haryana, Panchkula till date.

Precisely for the grievance in question, the petitioners have already approached the competent authority by way of different representations. One of representation filed by petitioner No.2 is dated 20.09.2018 attached as Annexure P-6 with the writ petition.

Learned counsel further stated that petitioner No.1 has also filed similar representation to the competent authority, but the same has not been attached due to some inadvertence.

Notice of motion.

On asking of the Court, Mr. Tapan Kumar Yadav, D.A.G., Haryana accepts notice on behalf of the respondents.

In view of nature of order which this Courts proposes to pass, there is no necessity of calling any response from the State as no order prejudicial to the interest of anyone is being passed.

At this stage, without meaning anything on the merits of the case, this writ petition is disposed of with a direction to respondent No.2/competent authority to treat the present writ petition as representation on behalf of the petitioners and decide the claim of the petitioners in the light of facts and circumstances of the case by passing speaking order in accordance with law within a period of two months from the date of receipt of certified copy of this order.

July 13, 2020
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No