

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 117

Case No. : CWP No.16994 of 2021

Date of Decision : September 02, 2021

Ajay Kumar		Petitioner
vs.		
State of Haryana and others		Respondents

CORAM : HON'BLE MR. JUSTICE H. S. MADAAN

* * *

Present : Mr. Amit Jhanji, Senior Advocate with
Mr. Abhishek K. Premi, Advocate
for the petitioner.

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H. S. MADAAN, J. (Oral) :

Case taken up through video conferencing.

Petitioner-Ajay Kumar has filed the instant Civil Writ Petition under Article 226/227 of the Constitution of India against the respondents praying for issuance of a writ in the nature of mandamus directing the respondents to consider the case of the petitioner for promotion to the post of Leading Fireman w.e.f. 02.05.2013 and further, promotion to the post of Sub-Fire Officer as per the Haryana Municipal Services (Integration, Recruitment and Conditions of Service) Rules, 1982 and the Haryana Municipal Corporation Employees (Recruitment and Conditions) Service Rules, 1998, in terms of the order dated 03.11.2020 (Annexure P-21), whereby his similar counterpart has been promoted to the post of Leading

Fireman w.e.f. 02.05.2013, by following the principle of ***old vacancy old rules*** and in view of the fact that 19 sanctioned posts of Leading Fireman were lying vacant in the respondent-Department w.e.f. 02.05.2013.

According to the petitioner, he had submitted representation dated 05.06.2021 (Annexure P-22) but that has not invoked any response. As such, he had to approach this Court by way of filing the present writ petition.

Notice of motion to respondents No.1 and 2.

Mr. Narinder Singh Behgal, AAG, Haryana, has accepted notice on behalf of respondents No.1 and 2.

After going through the record and hearing learned Senior counsel for the petitioner and learned State counsel, I find that keeping in view the nature of the case and considering the fact that a similarly placed employee has been granted the benefits after submission of representation by him, in order to afford an opportunity to the respondents to consider the claim of the petitioner and if some merit is found therein, to take necessary action to avoid unnecessary litigation, the writ petition is disposed of directing respondent No.2 to consider the claim of the petitioner as detailed in his representation dated 05.06.2021 (Annexure P-22) as per law, rules and instructions on the subject, within a period of two months from the date of receipt of copy of this order in his office by passing a detailed speaking order.

disposal of his representation by respondent No.2, then he may take recourse to the legal remedy, in accordance with law.

September 02, 2021

(H. S. MADAAN)
JUDGE

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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>