

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14096-2023 (O&M)

Date of decision: 14.07.2023

Harjeet Singh

.....Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sumeet Jain, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

CM-11045-CWP-2023

This is an application under Section 151 CPC for placing on record correct Annexure P-1.

For the reasons mentioned in the application, same is allowed and Annexure P-1 is taken on record, subject to all just exceptions.

Main case

The instant petition has been filed under Article 226 of the Constitution of India for issuance of writ in the nature of certiorari or any other writ, order or direction for quashing order dated 23.09.2022 (Annexure P-1) passed by respondent No.1 whereby the petitioner has been posted in Municipal Corporation against his entitlement in municipal committee on a lower post.

Learned counsel for the petitioner contends that petitioner joined the services in Municipal Committee in the year 1999 and w.e.f. 10.04.2013 petitioner was promoted as Executive Officer Class-III whereas on 08.03.2018, one Manpreet Singh was appointed as Executive Officer Class-III and it is evident that petitioner is senior to said Manpreet Singh. After working as Executive officer Class-III in Rampura Phul till 02.09.2022, the petitioner was promoted as

Executive Officer Class-II and vide the impugned order dated 23.09.2022

(Annexure P-1), respondent No.1 instead of posting the petitioner in Municipal Committee, transferred him to Municipal Corporation to the lower post i.e., Law Officer in Municipal Corporation SAS Nagar, Mohali in violation of provisions of the Punjab Municipal Act, 1911 and The Punjab Municipal Services (Recruitment and Conditions of Service) Rules 1975. Learned counsel further contends that petitioner has served legal notice dated 24.06.2023 (Annexure P-16) to the respondents No.1 and 2 and the said legal notice has not been taken into consideration so far and he would be satisfied if the said legal notice is directed to be decided in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of respondent No.1 and does not object to the prayer made by the learned counsel for the petitioner.

In view of the above and with the consent of both the parties, the present petition is disposed of with a direction to respondents No.1 and 2 to decide the legal notice dated 24.06.2023 (Annexure P-16) submitted by the petitioner within a period of 3 weeks from the date of receipt of certified copy of this order.

14.07.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No