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2023:PHHC:155737

CWP-26592-2023
Date of decision: 06.12.2023

 V/s

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to consider the case of the petitioner and to place the name of petitioner at the appropriate place in the seniority list of Fire Station Officers, as per his seniority from the date he had actually become eligible for the same, and after this, for being considered to be promoted as Assistant Divisional Fire Officer, from the date of being eligible for promotion and for release of all the consequential benefits of such promotion and arrears of promoted post and for which a legal notice (Annexure P-9) dated 07.07.2023 has also been served by the petitioner.

Learned counsel for the petitioner contends that the petitioner joined the department as Fireman on 29.04.1993. Thereafter, he was promoted as Leading Fireman on 29.12.2005 and Sub-fire Officer on 22.11.2006 presently, the petitioner is serving as Fire Station Officer at Municipal Corporation, Moga. On 21.09.2021, final seniority list of the Fire Station Officers serving in the Municipal Corporations was circulated, upon which the petitioner had submitted his objections, that his name has been mentioned at

Serial No. 6, whereas, he is entitled to be placed at serial No. 2 because the employees junior to the petitioner were being placed higher in the seniority list. The Commissioner, Municipal Corporation Moga, vide letter bearing No.99 dated 27.03.2023, had also forwarded the objections received from the petitioner to the Director Local Government and Principal Secretary Local Government, but despite this, the case of the petitioner for placing his name at the appropriate place of final seniority list has not been considered till date. Even as per the notifications issued by the State, the petitioner is entitled for the relief claimed. In this regard, the petitioner has served a legal notice dated 07.07.2023 (Annexure P-9) to the respondents, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the legal notice 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 respondents No. 1 and 2 and submits that the respondent No.2 is the competent authority to decide the legal notice.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice dated 07.07.2023 (Annexure P-9), respondent No.2 is directed to decide the legal notice in accordance with law, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

06.12.2023
Sapna

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