

CWP-24171 of 2024

2024:PHHC:125445



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

CWP-24171 of 2024

Date of decision: 23.09.2024

Dharminder and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Ranjivan Singh, Advocate,
and Mr. Risham Raag Singh, Advocate,
for the petitioners.

Mr. Surya Kumar, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of writ in the nature of *mandamus* directing the respondents to complete the process of promotion of the petitioners to the post of Safai/Sanitary Mates by way of issuing them formal orders of promotion in furtherance to unanimously passed resolution dated 29.02.2024 (Annexure P-4) by the Municipal Corporation, Hoshiarpur, duly approved by the Directorate, Local Government, Punjab (respondent No.2) vide letter dated 06.06.2024 (Annexure P-5).

2. Learned counsel for the petitioners submits that despite the resolution dated 29.02.2024 with regard to the promotion of the petitioners from the post of Safai Sewaks to Safai Mates, they have not been promoted. He further submits that even the State Government has



also conveyed to the Corporation vide letter dated 06.06.2024 (Annexure P-5) that the Municipal Corporation is competent authority with regard to service conditions of non-provincialized employees and, therefore, action can be taken at their own level for promotion to the post of Safari Mates from amongst the Safai Sewaks after complying with the rules/Government instructions and taking into consideration the seniority, roster, eligibility, reservation quota etc. Yet the petitioners have not been promoted. He further submits that petitioners have also submitted representations dated 28.08.2024 (Annexures P-6 to P-15), however, neither the grievances of the petitioners have been redressed nor any reply has been given to the petitioners. He submits that at this stage, petitioners would be satisfied, if the said representations are considered and decided by passing a speaking order in a time-bound frame.

3. Notice of motion.

4. Mr. Surya Kumar, AAG, Punjab, accepts notice on behalf of respondents No.1 and 2 and on the asking of the Court, Sh. Shobit Phutela, Advocate, accepts notice on behalf of respondent No.3 and have no objection to the innocuous prayer made by learned counsel for the petitioners.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. Without expressing any opinion on the merits of the case or the claim being made by the petitioners in the present petition, respondent No.3 is directed to consider and decide the claim made by

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the petitioners in representation(s) dated 28.08.2024 (Annexures P-6 to P-15) in accordance with law, by passing a speaking order within a period of three months from the date of receipt of certified copy of this order.

7. The petition stands disposed of.

23.09.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No