



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CWP-30063-2022

Decided on : 07.05.2024

Navdeep

... Petitioner(s)

Versus

Union Territory, Chandigarh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Amandeep Kaur, Advocate for
Ms. Sonia G. Singh Samber, Advocate
for the petitioner(s).

Mr. Sanjiv Ghai, Advocate and
Mr. Parminder S. Kaul, Advocate
for respondents No.2 & 3 – MC Chandigarh

SANJAY VASHISTH, J. (Oral)

1. Order dated 11.01.2023, says as under:-

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Present: Ms. Sonia G.Singh, Advocate for the petitioner.

Learned counsel inter alia contends that the petitioner applied for the post of Fireman in OBC category pursuant to the advertisement dated 26.03.2021 (Annexure P-6) issued by Municipal Corporation, Chandigarh, who appeared in the written test held on 17.10.2021 and as per the merit list, he is placed at Sr.No.91. Learned counsel further submits that person junior to him placed at Sr.No.92 has been called for interview, whereas the petitioner has been ignored.

Notice of motion

At this stage, Mr. Sanjiv Ghai, Advocate accepts notice on behalf of respondent Nos.2 and 3 and prays for time.

On request, adjourned to 08.02.2023.



(MANOJ BAJAJ)
JUDGE

January 11, 2023”

2. Mr. Sanjiv Ghai, Advocate, while appearing on behalf of respondents No.2 & 3 (MC, Chandigarh), submits that during the pendency of the present writ petition, the claim of the petitioner has already been considered by the Municipal Corporation, Chandigarh, vide order dated 07.03.2023. As per the decision of the MC, Chandigarh, “*Rahabari*”, caste/community, to which petitioner belongs, is not there in the list of OBC, UT Chandigarh.

3. In support of his contention, counsel for respondents No.2 & 3 (MC, Chandigarh) produces the copy of order dated 07.03.2023, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

One photocopy of the said order has been handed-over to the petitioner’s counsel also, today in Court.

4. The relevant part of the order dated 07.03.2023, is reproduced as under:-

“ And whereas, it is cleared that the candidate namely Sh. Kuldeep Kumar S/o Sh. Umesh Shah at serial No.92 in OBC Merit list was issued appointment letter to the post of Fireman under OBC Category as his caste/community i.e. “Teli” falls under OBC U.T., Chandigarh List. Further, the candidate namely Sh. Deep Chand S/o Sh. Shri Ram at Serial No.93 in OBC list has been considered eligible in Ex-Serviceman General Category at Serial No.8 on merit and was issued appointment letter to the post of Fireman under Ex-Serviceman Category.



Since, caste/community i.e. “Rahabari” does not exist in the OBC U.T., Chandigarh list and further as per instructions no.27/4/94-IH(7)/2015/16074 dated 03.08.2015 issued by the Department of Personnel Chandigarh Administration, Sh. Navdeep S/o Sh. Surender Singh was not found eligible for appointment to the post of Fireman against the category of OBC in MCC.

In view of above facts and instructions no.27/4/94-IH(7)/2015/16074 dated 03.08.2015 issued by the Department of Personnel Chandigarh Administration, I, Anindita Mitra, IAS, Commissioner, Municipal Corporation Chandigarh being appointing authority hereby order that Sh. Navdeep S/o Sh. Surinder Singh is ineligible for the post of Fireman under OBC Category as his caste/community i.e. “Rahabari” does not exist in the OBC U.T., Chandigarh List.

Orders be communicated to the parties concerned.”

5. In view of this, Ms. Amandeep Kaur, Advocate, appearing for Ms. Sonia G. Singh Namber, Advocate, for the petitioner, informs that she has received the required instructions for withdrawal of the writ petition, however, prays for grant of liberty to file a fresh one, challenging the order dated 07.03.2023 also, now passed by MC, Chandigarh.

6. Dismissed as withdrawn, with liberty as sought and recorded here-above.

(SANJAY VASHISTH)
JUDGE

May 07, 2024

J.Ram

Whether speaking/reasoned: ✓ Yes/~~No~~

Whether Reportable: ~~Yes~~/No ✓