

CWP-15105-2026

2026:PHHC:075801



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

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Date of Decision: **14.05.2026**

Gurdip Singh

....Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Nitesh Singla, Advocates the petitioner.

Ms. Pratibha Bali, AAG Punjab.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of *mandamus* directing respondent No.6 to not appoint/transfer respondent No.6 Fire Driver-cum-Operator presently working at Nagar Council, Kartarpur to Municipal Council, Rampura Phul, as the Fire Brigade establishment at Rampura Phul is already overstaffed with seven employees including the petitioner, working against only four sanctioned posts. Further directing respondent No.5 not to transfer displace or terminate the services of petitioner on account of proposed illegal transfer/adjustment of respondent No.6. Further directing the respondents-department to decide the

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representation dated 13.04.2026 (Annexure P-4) submitted by petitioner in a fair and time bound manner in accordance with law. Lastly directing the respondents from considering or promoting respondent No.6 to any higher post till pendency of present writ petition.

2. Learned counsel for the petitioner, *inter alia*, contends that against the sanctioned strength of only four posts in the Fire Brigade establishment at Municipal Council, Rampura Phul, as many as seven employees including the petitioner are already working, thereby rendering the establishment overstaffed. It is further submitted that despite there being no vacant sanctioned post available at Rampura Phul, the respondents are contemplating transfer/adjustment of respondent No.6 from Nagar Council, Kartarpur, in a wholly arbitrary and non-transparent manner. Learned counsel submits that no administrative exigency, requisition for additional staff, approval from the competent authority or lawful procedure has been disclosed or followed by the respondents before initiating the proposed transfer/adjustment. It is argued that the proposed action is likely to result in displacement, transfer or possible termination of the petitioner solely for the purpose of accommodating respondent No.6, thereby seriously prejudicing the rights and service interests of the petitioner. Learned counsel further submits that the petitioner has already submitted a detailed representation dated 13.04.2026 (Annexure P-4) ventilating his grievances before respondent No.5, however, the same has not yet been decided. At this stage,

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learned counsel submits that the petitioner would be satisfied if a direction is issued to respondent No.5 to consider and decide the aforesaid representation by passing a reasoned and speaking order within a stipulated period, in accordance with law.

3. On advance notice, Ms. Pratibha Bali, learned Assistant Advocate General accepts notice on behalf of respondents No.1 to 4 and submits that she has no objection in case a direction is issued to the respondent No.5/competent authority to hear and decide the representation dated 13.04.2026 (Annexure P-4) by passing a speaking order in a time bound manner.

4. In view of the limited prayer made by counsel for the petitioner without commenting upon the merits of the case, the present petition is disposed of and the respondent No.5/competent authority is directed to hear and decide the representation dated 13.04.2026 (Annexure P-4) by passing a speaking order in a time bound manner, within a period of three months from the date of receiving a certified copy of this order. Further the decision taken thereof shall be conveyed to the petitioner.

5. Needless to say, if the petitioner is found entitled to the relief sought, the same be granted forthwith by respondent/competent authority.

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6. Pending miscellaneous application(s), if any, shall also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

14.05.2026
Puneet Chawla

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