

CWP-17621-2026

2026:PHHC:086050



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

124

CWP-17621-2026

Date of Decision: **29.05.2026**

Somi

....Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Gurmail Singh Duhan, Advocate for the petitioner.

Mr. Piyush Khanna, Addl. AG Haryana.

Mr. Vikrant Pamboo, Advocate for respondents No.3 and 4.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned orders dated 05.03.2026 and 17.03.2026 (Annexure P-4) whereby promotion of petitioner from post of Sweeper to Safai Daroga has been denied and wrongly promoted the respondents No.5 to 15 who are junior to petitioner. Further for issuance of a writ in the nature of mandamus directing the respondents No.1 to 4 for re-fixation the seniority of petitioner for the post of Safai Daroga from the back date from, where the petitioner is entitled and granting the promotion



of Safai Daroga with all actual financial intents in view of Haryana Municipal Corporation Employees (Recruitment and Conditions) Service Rules, 1998. Further during the pendency of present writ petition and subject to final outcome of same this Court may be pleased to stay the operation of promotion order dated 05.03.2026 (Annexure P-3) and restrain respondents No.1 to 4 from initiating steps to promotion for the post of Safai Daroga.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as a Sweeper in the Municipal Corporation, Rohtak on 13.02.1996 and has rendered more than 31 years of blemish-free service without any complaint or adverse entry in his service record. It is submitted that, as per the applicable service rules, promotion to the post of Safai Daroga requires an employee to possess a minimum of 10 years' service and to be literate, i.e. capable of reading and writing. The petitioner fulfils both the requisite conditions, having rendered more than the prescribed length of service and being duly literate, as evidenced by Annexure P-1.

2.1 Learned counsel further submits that several posts of Safai Daroga fell vacant upon the retirement of incumbent employees. The petitioner submitted representations during the years 2024 and 2025 requesting consideration of his case for promotion on the basis of seniority and eligibility. When no action was taken, he served a legal notice dated 01.02.2026 (Annexure P-2) upon the respondents seeking promotion to the post of Safai Daroga. However, the respondents, while overlooking the

CWP-17621-2026

2026:PHHC:086050



claim of the petitioner, promoted respondents No.5 to 15 vide order dated 05.03.2026 (Annexure P-3). Thereafter, the claim of the petitioner was rejected vide order dated 17.03.2026 (Annexure P-4). It is contended that the impugned order has been passed in a mechanical and arbitrary manner without proper consideration of the petitioner's eligibility, seniority and service record.

3. At this stage, learned counsel for the petitioner submits that the present writ petition may kindly be treated as a comprehensive representation and respondent No.3/competent authority be directed to consider and decide the claim of the petitioner by passing a reasoned and speaking order within a stipulated period after affording an adequate opportunity of hearing to the petitioner and in accordance with law.

4. Learned State counsel as well as learned counsel for respondents No.3 and 4 submits that they have no objection in case a direction is issued to respondent No.3/competent authority to consider and decide the claim of the petitioner by passing a reasoned and speaking order in accordance with law.

5. In view of the limited prayer made by learned counsel for the petitioner and without expressing any opinion on the merits of the case, the present writ petition is disposed of with a direction to respondent No.3/competent authority to treat the present writ petition as a comprehensive representation and to consider and decide the claim of the

CWP-17621-2026

2026:PHHC:086050



petitioner by passing a reasoned and speaking order, in accordance with law, within a period of three months from the date of receipt of a certified copy of this order.

6. It is further directed that the decision so taken shall be communicated to the petitioner forthwith. Needless to observe that in case the petitioner is found entitled to the relief claimed, all consequential benefits shall also be granted expeditiously, in accordance with law.

7. Pending miscellaneous application(s), if any, shall also stand disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

29.05.2026
Puneet Chawla

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