

PETITIONER:
DEVIDASS GOPAL KRISHAN PVT. LTD.

Vs.

RESPONDENT:
STATE OF PUNJAB

DATE OF JUDGMENT 26/03/1993

BENCH:
JEEVAN REDDY, B.P. (J)
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JEEVAN REDDY, B.P. (J)
VENKATACHALLIAH, M.N. (CJ)
AHMADI, A.M. (J)

CITATION:
1994 AIR 2291 1994 SCC Supl. (2) 59
JT 1994 (3) 239 1994 SCALE (2) 547

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. Leave granted.
2. Heard on merits.
3. The appellants are drivers serving in Delhi Fire Service. Their grievance is that there is no avenue for their promotion. The writ petition filed by the appellants in the Delhi High Court has been dismissed only by stating as under:

"The petition is misconceived. Dismissed."

4. In a matter of this kind, the grievance of the writ petitioners has to be examined on the basis of their service conditions and the principles indicated in the decisions of this Court relating to the policy for promotion and possible avenues for their promotion or in the alternative, at least some additional allowance after the lapse of a prescribed period of time. For this purpose it is necessary for the respondents to place the relevant materials before the Court. In view of the fact that the respondents were not even given notice of the writ petition by the High Court, that occasion did not arise. We also do not have the benefit of knowing the reasons, if any, of the High Court for treating the petition as misconceived, since neither the submissions made in support of the petition nor the reasons of the High Court for its conclusion have been stated in the impugned order. It is, therefore, appropriate that the matter goes back to the High Court for a fresh decision of the writ petition in accordance with law, dealing with the contentions of the appellants (writ petitioners) and giving reasons for the conclusion reached.

5. The appeal is allowed, accordingly. The impugned order of the High Court dismissing the writ petition, in limine, is set aside. The High Court should proceed to hear and decide the writ petition afresh in accordance with law. No costs.

t Arising out of SLP (C) No. 9462 of 1991
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JUDIS