

CWP No.18175 of 2003

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

CWP No.18175 of 2003 (O&M)

Date of decision: 21.08.2015

Jai Singh

....Petitioner

Versus

Deputy Commissioner, Karnal and another

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Ms. Savita Rana, Advocate, for the petitioner.
Mr. Sandeep S. Mann, Sr. DAG, Haryana.

PARAMJEET SINGH, J. (ORAL)

CM No.10281 of 2015

Allowed. Death Certificate of respondent No.2 – Jagdish is taken on record subject to all just exceptions.

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CM No.10282 of 2015

With the consent of learned counsel for the parties, this writ petition is taken up for final disposal.

Instant writ petition under Article 226 of the Constitution of India has been filed for issuance of a writ in the nature of *mandamus* directing the respondents to regularize the services of the petitioner on which he was appointed as well as for quashing the order dated

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28.08.2003 (Annexure P-1) passed by respondent No.1 whereby respondent No.2 has been appointed as Chowkidar of the village.

Brief facts of the case are that on account of death of Rulia Ram, Chowkidar of village Suhana, Tehsil and District Karnal, process was initiated to fill up the vacancy. In all, four candidates, namely, Sarvshri/Smt. Baljit Singh son of Parshada, Kela Devi daughter of Rulia Ram, Jagdish son of Rulia Ram and Jai Singh son of Kali Ram applied for the post. After considering the claim of respective candidates, petitioner – Jai Singh was appointed as Chowkidar of the village by Sub Divisional Officer, Karnal, vide order dated 07.07.2003 (Annexure P-2). Aggrieved against the order dated 07.07.2003, respondent No.2 preferred an appeal before the Deputy Commissioner, Karnal, which has been allowed vide order dated 28.08.2003 (Annexure P-1), order dated 07.07.2003 has been set aside and respondent No.2 has been appointed as Chowkidar of the village. Hence, this writ petition.

I have heard learned counsel for the parties and perused the record.

During the pendency of present writ petition, CM No.10282 of 2015 has been moved by the petitioner that respondent No.2 has expired, therefore, petitioner should be appointed as Chowkidar of the village.

Perusal of record shows that initially, when applications for the post of Chowkidar were invited, aforesaid four persons applied for the same. Although, Jai Singh – petitioner was appointed as Chowkidar by Sub Divisional officer, however, in appeal order of Sub Divisional

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Officer was set aside and respondent No.2 was appointed as Chowkidar. Once the petitioner is not holding the post of Chowkidar, his services cannot be regularized in any manner.

Otherwise also, in view of the Division Bench judgment of this Court in *Shamsher Singh v. Financial Commissioner (Revenue), Haryana, 1998(2) R.C.R.(Civil) 474*, once the appointed Chowkidar has died, only option is to invite fresh application to fill up the vacancy.

Present writ petition is disposed of with the observation that the candidates who had already applied for the post of Chowkidar may be at liberty to apply afresh otherwise their earlier applications shall be considered for the purpose along with other applications that may be received now.

(Paramjeet Singh)
Judge

August 21, 2015
R.S.