

CWP No. 3548 of 2011

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

**CWP No. 3548 of 2011.
Date of Decision : 08.09.2015.**

Dal Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. S.K. Verma, Advocate for the petitioner.

Mr. Rajneesh Chadwal, D.A.G., Haryana.

Mr. T.C. Dhanwal, Advocate for respondent No. 4.

Paramjeet Singh, J.(Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 08.07.2010 (Annexure P-6) passed by the Assistant Collector First Grade, Safidon and order dated 14.09.2010 (Annexure P-8) passed by the Collector Jind.

Brief facts of the case are that the petitioner was appointed as a Chowkidar in Village Rojhala, Tehsil Safidon, District Jind. A complaint was received from the Village Panchayat and Lamberdars, namely, Pale Ram and Bichha Ram and others against the petitioner. In

pursuance of that complaint, initially a report (Annexure P-2) was received from the Halqua Patwari, in which, it was recorded that the said complaint appeared to have been given in order to settle personal scores on account of some personal grudge and that the petitioner-Chowkidar was performing his duties diligently and with dedication. Thereafter, Tehsildar, Safidon himself conducted an enquiry, called the persons, who made complaint against the petitioner and gave opportunity to the petitioner also. After hearing the parties and taking into consideration, Tehsildar made the following recommendations :-

“Pale Ram Lambardar, Bichha Ram Lambardar, Sh. Surat Singh, Sarpanch, Daya Singh Ex Panch and Sewa Ram son of Lakhi Ram, Mahender son of Sh. Chandgi, Jagat Singh son of Prem and Azad Singh son of Hoshiar Singh of village Rojhala came present.

After hearing both the parties and after making the enquiry personally, it was found that Dal Singh Chowkidar does not take keen interest in the work of Chowkidar. In the meeting of the Gram Sabha a resolution was passed to remove him from the post of Chowkidar. The work of the Chowkidar to cooperate and help the lambardar in the work of recovery and also help the Sarpanch in the work. But Dal Singh Chowkidar does not help the Lambardars in their work. Therefore, on the basis of the above said facts, I recommend to remove Sh. Dal Singh, Chowkidar of Village Rojhala from the post of Chowkidar of the village.”

After considering the report of the Tehsildar, Assistant

Collector First Grade came to the conclusion that petitioner is not doing

his duty faithfully. Hence, he ordered termination of the petitioner from the post of Chowkidar. Aggrieved against that order, the petitioner preferred an appeal, which has also been dismissed by the Collector. Hence, the present writ petition.

I have heard learned counsel for the petitioner and gone through the case file very carefully.

Learned counsel for the petitioner, vehemently, contended that the report made by the Patwari, has not been taken into consideration. The petitioner was being compelled to do work in the fields of Lambardar. For that reason, complaint had been made by Lambardar against the petitioner.

On the other hand, learned counsel for the respondents submitted that petitioner was not even performing his duties dedicatedly rather misleading the officials. Learned counsel for the respondents further contended that report has also been made by Tehsildar that the petitioner is not performing his duties faithfully, rather creating a party faction in the village. Concurrent findings have been recorded by all the authorities, therefore, the same cannot be interfered with.

I have considered the contentions raised by learned counsel for the parties.

Admittedly, Tehsildar after recording the statements of at least two Lambardars i.e. Pale Ram and Bichha Ram as well as the Sarpanch, Ex-Panch, besides others, has come to a conclusion that the

petitioner did not take keen interest in the work of Chowkidar. It has also specifically mentioned in the report that there is a Resolution passed by the Gram Panchayat/Gram Sabha that the petitioner is not performing his duties, therefore, he should be removed from the post of Chowkidar. The petitioner has not led any evidence. The said findings of fact have been recorded by the inquiry officer and have been accepted by the Appointing Authority and removal of the services of the petitioner from the post of Chowkidar has been ordered. The said order has been affirmed by the Collector while exercising the powers of Commissioner.

In view of the findings recorded by the Collector that the petitioner is not performing his duty faithfully, rather misconducting with the officials as well as in view of Rule 14 of the Punjab Chaukidara Rules, 1876 that the village watchman is the servant of the village community, and as such is bound to obey the orders of the village headmen, no ground for interference is made out in the present petition and the same is hereby dismissed.

September 08, 2015.
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(PARAMJEET SINGH)
JUDGE