

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

Civil Writ Petition No.18572 of 2015

Date of decision: 3.9.2015

Baldev Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Karan Singla, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The petitioner has filed this writ petition claiming to be a Honorary Chowkidar of the school for the last about 25 years and before him, his father too was a Honorary Chowkidar in the school since its inception in 1952. As a Honorary Chowkidar, both father and son were not paid any wages but were allowed to live in one room and one store annexed to the school for the services rendered as Honorary Chowkidar to be its caretakers. The school is known as Government Primary School No.3 near Arorvansh Dharamshala Fazilka and falls within the *abadi deh* of the village where the school runs. The claim in the petition is for a direction to the respondents to consider recruiting the petitioner to a substantive post of Chowkidar/Security Guard as a special case etc. The petition has been filed

in the background of the respondents having orally told the petitioner to quit the premises. The petitioner has filed a civil suit in the Court of Civil Judge (Senior Division), Fazilka titled Baldev Singh v. District Education Officer [EE], Ferozepur and others claiming permanent injunction restraining the defendants from forcibly dispossessing the petitioner from the demised premises which is pending. Since the petitioner is already in the Court of Civil Judge for protection of his possession, he will be at liberty to make the prayers made in this petition before the Civil Court in accordance with law. In case the petitioner files an application for amending the suit under Order 6 Rule 7 CPC to accommodate the prayers made in this petition by amendment, the trial Court would, needless to say, consider the application on merits in accordance with law.

The petitioner has made a representation to the Government [P-7] dated 24.5.2014 and again needless to say that the orders passed in the present petition will not influence the consideration of that application or be taken as an expression on the merits of the case and in case it is pressed before the administrative authorities then they will deal with it strictly as per law.

The petition filed under Article 226 of the Constitution of India is not the remedy and the same stands disposed of as above.

(RAJIV NARAIN RAINA)
JUDGE

September 3, 2015
Paritosh Kumar