

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 1517 of 2014 (O&M)

Date of Decision: 05.08.2016.

Sant Lal

--Petitioner

Versus

State of Haryana and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.P. Sharma, Advocate for the petitioner.

Mr. Ravi Pratap Singh, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

The petitioner, who is serving as a Patwari under the Department of Consolidation and Revenue, State of Haryana, has filed the instant petition impugning the order dated 2.2.2011 (Annexure P-3), passed by the Director, Consolidation, Haryana, whereby the period w.e.f. 6.2.2008 to 10.3.2008 has been treated as without pay on the ground that he remained absent without due authorization.

Upon notice of motion having been issued, a joint written statement on behalf of respondents no.1 to 4 has been filed and placed on record. Perusal of Annexure R-1/T appended along with the reply reveals that the immediate superior of the petitioner i.e. the Consolidation Officer, Dadri on 21.1.2008 had directed that on account of closure of consolidation work in villages Pithrawas and Malahwas, Tehsil & District Rewari the petitioner will assist in the consolidation work in village Chhapar, Tehsil Dadri, District Bhiwani on all days of the week except Monday.

The entire case set out on behalf of the petitioner is that such order was never communicated and the petitioner could not have been

denied his salary for the period 6.2.2008 to 10.3.2008 as for such period he was otherwise present in villages Pithrawas and Malahwas.

In the considered view of this Court, no interference in the impugned order is called for.

The issue herein is not with regard to the presence of the petitioner having been recorded at villages Pithrawas and Malahwas, Tehsil & District Rewari. To the contrary the Consolidation Officer, Dadri on 21.1.2008 had directed the petitioner to assist in the consolidation work in a different village i.e. village Chhapar, Tehsil Dadri, District Bhiwani and where the petitioner concededly had not reported.

As regards the order dated 21.1.2008 of the Consolidation Officer, Dadri having not been communicated to the petitioner, suffice it to notice that at Annexure R-1/T the following report has been recorded of one Satpal Singh, Peon dated 7.2.2008:-

“Sir,

In compliance with the order I reached village Pithrawas. On enquiring in the village it is known that Sh. Sant Lal Patwari is not present in the village. The patwari has placed his revenue record at the residence of Sh. Tej Singh, Nambardar Pithrawas the patwari reside here. Therefore, the patwari has been informed on the phone through Sh. Tej Singh, Nambardar. The report is submitted after compliance.

*Sd/- (Hindi)
(Sat Pal Singh, Peon)
Dt.7.2.2008.”*

Counsel appearing for the petitioner disputes such report and reiterates that the directions of Consolidation Officer, Dadri dated 21.1.2008 were never conveyed to assist for consolidation work in village Chhapar.

The petitioner is raising a disputed question of fact. The same cannot be gone into by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India. This Court would proceed on the basis that the report of the Peon concerned dated 7.2.2008 is factually correct. If that be so the order dated 2.2.2011 (Annexure P-3), passed by the Director, Consolidation, Haryana denying to the petitioner his salary for the period w.e.f. 6.2.2008 to 10.3.2008 does not call for any interference.

Yet another reason that has weighed with this Court while declining to interfere is that an appeal had been preferred by the petitioner against the impugned order dated 2.2.2011 (Annexure P-3) and the same has been dismissed by the Additional Chief Secretary & Financial Commissioner to Govt. of Haryana, Revenue, Disaster Management & Consolidation Department on 5.9.2012. Such order passed by the Appellate Authority has neither been placed on record nor any challenge to the same has been laid. Such order has been brought to the notice of this Court by learned State counsel, who is on instructions from Sh. Miyya Singh, Clerk, office of Director, Consolidation, Haryana, Panchkula.

In the totality of circumstances, no basis for interference is called for.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

05.08.2016
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Whether speaking/reasoned: Yes

Whether Reportable: No