

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

Civil Writ Petition No. 20176 of 2016

Date of Decision: 27.9.2016

Mange Ram

.....Petitioner

Vs.

Deputy Commissioner, Sirsa and others

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sushil Kumar Verma, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Instant writ petition is directed against the order dated 3.8.2016 (Annexure P-10), passed by the Deputy Commissioner, Sirsa, whereby respondent No.4 was appointed as Chowkidar, finding him a better candidate than the petitioner.

Learned counsel for the petitioner submits that comparative merits of both the candidates were not properly appreciated by the competent authority. He further submits that petitioner was 10+2 pass whereas respondent No.4 could not pass 10+2, as he was having supplementary in one of the subjects. He concluded by submitting that petitioner was ignored by the Deputy Commissioner-respondent No.1, only because of extraneous consideration. He prays for setting aside the impugned order, by allowing the present writ petition.

Having heard learned counsel for the petitioner at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since the impugned order passed by the Deputy Commissioner is a well reasoned order which deserves to be upheld, instant writ petition is liable to be dismissed, for the following more than one reasons.

A bare reading of the impugned order would show that comparative merits of all the candidates for the post of Chowkidar were duly considered by the competent authority, i.e. Deputy Commissioner-respondent No.1, before passing the impugned order. Respective merits of all the candidates are reproduced in tabulation form at page 48 of the paper book and the same read as under:-

	Brij Lal	Channan Ram	Mange Ram	Rajesh Kumar
Education	10+2	8 th	10+2	8 th
Age	24 yeas	36 years	35 years	25 years
Recommended by	Court of Tehsildar Rania and SDO (Civil) Ellenabad	—	—	—

Petitioner was 35 years of age whereas respondent No.4 was 24 years of age. Tehsildar, Rania as well as Sub Divisional Officer, Ellenabad, recommended the name of respondent No.4, for appointment to the post of Chowkidar. After proper appreciation of comparative merits of both the candidates, Deputy Commissioner came to the conclusion that respondent No.4 was having a clear edge over the petitioner. Accordingly, respondent No.4 was rightly appointed as Chowkidar by way of the impugned order and the same deserves to be upheld.

The relevant observations made by the Deputy Commissioner in

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the operative part of the impugned order which deserves noticed here, read as under:-

“I have carefully heard the arguments addressed by the candidates and their respected counsels and perused the record carefully. After careful examination of record it is found that candidate Sh. Channan Ram and Rajesh Kumar are passed up to 8th class. Candidate Sh. Mange Ram has passed 10+2 and his age is 35 years, in fact candidate Brij Lal is young person of age 24 years, two other candidates have withdrawn their applications in his favour. Gram Panchayat has also passed a resolution for his appointment as Chowkidar of the village and he is the grandson of deceased chowkidar, therefore, he has the experience regarding the working of Chowkidar. Besides this his name has also been recommended by court of Tehsildar Rania and court of Sub Divisional Officer (Civil), Ellenabad hence he prayed for his appointment as Chowkidar of village Mohammadpuria, Tehsil Rania District Sirsa. Therefore, I agree with the reports sent by court of Tehsildar Rania and SDO (civil) Ellenabad and hereby appoint Sh. Brij Lal s/o Jagdish as suitable candidate as compare to other candidates for the post of Chowkidar after the death of Sh. Guljari Lal Chowkidar of the village Mohammadpuria, Tehsil Rania, District Sirsa.”

Another argument raised by learned counsel for the petitioner was that respondent No.4 did not apply well within time. In this regard, he refers to Annexure P-5 to contend that respondent No.4 applied on 15.12.2015, whereas his application was wrongly shown to have been received on 15.12.2014. He also refers to the zimni order dated 15.12.2014 (Annexure P-3) passed by the Tehsildar, Rania, to contend that once last date for submission of application was 11.2.2015, application dated 15.12.2015

submitted by respondent No.4 could not have been shown to have been received on 15.12.2014.

However, a close perusal of the impugned order passed by the Deputy Commissioner shows that the petitioner did not raise this issue before the competent authority at the time of passing of the impugned order. Further, once the application of respondent No.4 has been shown to have been received on 15.12.2014 (Annexure P-5), typed date as 15.12.2015 might be at the most a typographical mistake. Further, no prejudice of any kind, whatsoever, has been shown which might have been caused to the petitioner, by passing of the impugned order.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

27.9.2016

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No