

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.26044 of 2016
Date of decision: 16.12.2016

Karnail Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sumeet Puri, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has approached this Court, by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of mandamus.

Heard learned counsel for the petitioner.

When, at the very outset, confronted with the fact that petitioner has no absolute right in the matter, because of which he cannot seek any particular direction to the respondent authorities, learned counsel for the petitioner had no answer and rightly so, it being a matter of record.

If the competent authority has already initiated the process, it goes without saying that the process shall be completed, in accordance with law. If no process has been initiated so far, petitioner has no legal right to ask for initiation of said process to fill up the vacant post of Lambardar. It is so said

because it is the exclusive domain of the competent authority to fill up or not to fill up any particular post.

While issuing any such direction, as sought by the petitioner by way of instant writ petition, this Court would be exceeding its jurisdiction to encroach upon the field, which is the exclusive domain of the executive. Further, no prejudice of any kind, whatsoever, is being caused to the petitioner by the alleged inaction on the part of respondent authorities, because the petitioner has got no vested right.

No other argument was raised.

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

16.12.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No