

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

**CWP No. 12443 of 2016 (O&M)
Date of Decision: 30.11.2017**

BUTA SINGH AND ANOTHER ...Petitioner
VS.

STATE OF PUNJAB AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Ms. Satinder Kaur, Advocate
for the petitioners.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

RAKESH KUMAR JAIN, J. (ORAL)

CM-10887-2017

This application is filed for impleading the LRs of the deceased petitioner No. 2.

For the reasons enumerated in the application, the same is allowed and amended memo of parties is taken on record subject to all just exceptions.

In view of the above, the present application is disposed of.

CWP No. 12443 of 2016

This petition is filed by two petitioners, namely, Buta Singh and Kaka Singh. They have prayed that the appointment of respondent No. 5 as Chakkar-Munshi be set aside on the ground that he is not a Government Employee and the post of Chakkar-Munshi should be filled up by a Government Employee.

In the reply filed by the Deputy Superintendent of Police, Central Jail, Ludhiana, it is averred that petitioner No. 1-Buta Singh has been convicted under Section 15/61/85 of the Narcotics Drugs and Psychotropic

Substance Act, 1985 and sentenced to undergo rigorous imprisonment for ten years besides payment of ₹1,00,000/- as fine and the petitioner No. 2-Kaka Singh (since deceased) was also sentenced under the same offences and for the same period. It is further submitted that respondent No. 5 is a convict who has been sentenced for life for committing offence under Section 302 of the Indian Penal Code. It is further averred that the duty of Chakkar-Sewadar is to work under the Chakkar Head Warder as per Para No. 623, 635 and 636 of the Jail Manual. He has no power to beat or harass any prisoner for his own benefit and during his tenure no complaint was made against respondent No. 5 for any bad conduct with the other jail inmates. It is also averred that the petitioners had also been given the charge to work as Chakkar Sewadar. As per record of the jail, petitioner No. 1 worked as Chakkar Sewadar from 30.04.2015 to 14.06.2016 and petitioner No. 2 worked as Chakkar Sewadar from 05.11.2015 to 25.07.2016.

Learned counsel for the respondents has submitted that the jail convicts are employed for menial work within the jail premises in terms of the provisions of the jail manual and has referred to para No. 623, 635 and 636 of the Punjab Jail Manual which are reproduced as under: -

“623 Convicts labour shall ordinarily be employed to supply:

Firstly, the requirement of the jail and of the jail department.

Secondly, the requirement of the Government in any other respect and thirdly, other demands which the Inspector General may from time to time approve.

635. The number of convicts regularly employed on services of a menial or domestic nature such as cooks, barbers, water carriers, sweepers and the like shall not without the special sanction of the Inspector General excess.

a) In a Central Jail or in the District Jail, ten per centum and;

b) *In the case of any other jail twelve per centum of the total number of prisoners for the time being confined in such jail;*

636 *Sweepers shall be chosen from the Mehtar or similar caste. Prisoners of other castes may be employed as sweepers if they volunteers to do such work. The barber shall belong to the casual class. Hospital attendants shall be selected from those passed for light labour or who have completed at least half their sentences, if there is large number of serious cases in Hospital, the proportion of one attendant to ten patients may be temporarily exceeded, if any convict, employed as a menial servant has not be enough work to occupy his whole time, he should be placed upon some other work for the reminder of his time.”*

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that there is no merit in the present petition because firstly, the petitioners themselves have worked as Chakkar-Munshi and Chakkar Sewadar. Secondly, Chakkar Sewadar has to work under the supervision of Chakkar Head Warder and thirdly, there is no complaint from any jail inmates against respondent No. 5. Moreover, no ground has been made out based upon the provisions of the jail manual, by the learned counsel for the petitioner, on the basis of which the appointment of respondent No. 5 can be set aside.

In view thereof, I do not find any merit in the present petition and therefore, the same is dismissed.

November 30, 2017

Suresh Kumar

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No