

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.4909 of 2017
Date of decision:10.03.2017

Nirmal Singh

... Petitioner

Vs.

District Collector (Additional Deputy
Commissioner) Sangrur and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Janak Singh Bhinder, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioner contends that the order under challenge is non-speaking, much less does not conform the principles of “*legitimate expectancy*” as the appellate authority was enjoined upon an obligation to decide the objections objectively and pragmatically. He further submits that the private respondent had earlier assailed the order dated 02.09.2015 of Sub Divisional Magistrate regarding the appointment of the petitioner as Chowkidar, whereas, he is an un-educated person *vis-a-vis* the educational qualification of the petitioner and various other factors were taken into consideration but the impugned order does not reveal any application of mind.

I have heard learned counsel for the petitioner, appraised the paper book and gone through the impugned order dated 16.12.2016 and the reasoning given in the order reads as under:-

“File put up today dated 14.12.2016. The counsel for appellate given chance to produce his contentions. During contentions the counsel for appellant contended that appellant's father Sh. Gurnam Singh was Chowkidar (Watchman) of village Chhahar. For long time appellant has worked as acting Chowkidar (Watchman) in village and he is well versed about duties of Chowkidar (Watchman). Village panchayat and respectable persons have also submitted application to appoint appellant as Chowkidar (Watchman) of village. Apart from this, police department also made recommendation to appoint appellant as Chowkidar (Watchman) being a peace-loving citizen and a person of good conduct.

On hearing counsel for appellant and on perusal of written contentions of counsel for respondent and after due consideration of all record came on case file, the appeal is hereby accepted. The order of lower Court dated 02.09.2015 is set aside and appellant Sh. Baldev Singh son of Sh. Gurnam Singh is hereby appointed as Chowkidar (Watchman) of village Chhahar, Tehsil Sunam.”

In my view, reasoning is lacking objective and pragmatic approach. The contentions raised by the petitioner have not even been touched by the Collector, District Sangrur while assigning the finding as to how they are not plausible or worth adjudication, thus, authority below is under obligation to decide the matter, in view of the observations made

herein-above but not in the manner and mode as indicated above.

Thus, I do not deem it appropriate to issue notice of motion to the respondents instead remand the matter back by setting aside the impugned order in order to defray the costs of litigation and wastage of time when the order apparently is not only preposterous, much less repugnant.

Resultantly, the order dated 16.12.2016 is hereby set aside and the matter is remitted back to the District Collector, Sangrur to decide the matter afresh expeditiously by affording the opportunity of addressing to the parties to the lis and thereafter, pass a detailed and speaking order.

Accordingly, the writ petition stands disposed of.

Parties through their counsel are directed to appear before the District Collector, Sangrur on 03.04.2017.

(AMIT RAWAL)
JUDGE

March 10, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No