

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-9257-2019 (O&M)
Date of Decision: 16.10.2019

Narender Kumar Tyagi & another

--Petitioners

Versus

State of Haryana & others

--Respondents

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

Present:- Mr. J.S. Dahiya, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioners, who are two in number, have filed the instant writ petition seeking a Mandamus for directing the official respondents under the School Education Department, State of Haryana to recover from respondent no.7 the entire amount of salary that she has drawn while occupying the post of Sweeper-cum-Chowkidar.

Counsel submits that respondent no.7 was working on contractual basis on the post of Sweeper-cum-Chowkidar since the year 1987. The Directorate, School Education, Haryana issued a letter dated 28.4.1981 for regularization of service of Class-IV employees between the age 16 to 35 years. It is alleged that respondent no.7 furnished two affidavits which contained false information and on the strength of which her services were regularized in the year 1991 by the then Head Master in collusion with other official respondents and on account of extraneous consideration. It is against such backdrop that the prayer for directions to recover the entire salary drawn by respondent no.7 has been raised in the instant petition.

Counsel has been heard at length.

On a specific query having been put, counsel would concede that none of the petitioners has any personal interest in the matter as they

had neither applied for the post of Sweeper-cum-Chowkidar nor had any conflicting interest at the stage of consideration of the claim of respondent no.7 for regularization in service.

The instant writ petition raises disputed questions of facts as regards respondent no.7 possessing the requisite eligibility to be regularized in the year 1991. This Court in exercise of its extra ordinary writ jurisdiction would not embark upon a roving inquiry in such a matter.

That apart, delay would be another aspect which would weigh with this Court while declining to interfere. Even as per the pleaded case of the petitioners, respondent no.7 was engaged on contractual basis in the year 1987 as a Sweeper-cum-Chowkidar. Her services were regularized in the year 1991. Instant writ petition has been filed in the year 2019.

In an overview of the matter no intervention is called for.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

16.10.2019

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No