

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

**CWP No.10974 of 2016
Date of decision: 22.05.2019**

Rajbir and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Parminder Singh, Advocate,
for the petitioners.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. Abhinav Sood, Advocate,
for respondent No.5.

Ritu Bahri, J.

Petitioners are seeking direction to the respondents not to replace them from the posts of Tubewell Pump Operator by appointing another set of temporary employees.

Petitioners were appointed as Tubewell Operator in the year 2013 under the policy framed by Public Health Department. They were paid salary through respondent No.4 by crediting the same into the account of respondent No.5. Copies of resolutions showing appointment of the petitioners and release of salaries have been attached as Annexures P-1 to P-4. Salaries of the petitioners have also been released by way of cheques dated 06.11.2015 and 18.01.2016 (Annexures P-5 & P-6). As per

of the village have given certificate dated 04.05.2016 (Annexure P-7) in their favour. After elections of the Gram Panchayat, a new Sarpanch of the village was elected and on account of party faction, respondent No.5 refused to release the salaries of the petitioners. A letter dated 12.01.2016 (Annexure P-8) was written by the Sub Divisional Engineer, Public Health Engineering Department, Sub Division Indri to the Block Development & Panchayat Officer, Indri for releasing the salaries of Part Time Pump Attendants. Petitioners apprehend that with the change of Sarpanch, they shall be replaced by another set of Pump Operators. Hence, they are seeking direction to the respondents not to replace them by another set of Pump Operators

Upon notice, reply on behalf of respondent Nos. 1 to 3 has been filed, stating therein that the petitioners have already been removed vide resolution dated 26.02.2016 i.e. much prior to filing of the present petition and other persons have already been appointed. It is denied that appointment of the petitioners was on regular basis. It is further stated that petitioner Nos. 1 to 3 and wife of petitioner No.4 namely Shashi Bala were the Panchayat Members (Panch) of the Gram Panchayat in the previous tenure i.e. from 2010 to 2015 and were getting the benefit of their position in the Gram Panchayat. They themselves appointed the petitioners as Tubewell Operators and no criteria was adopted for their appointment. A number of inhabitants of the village had made complaints dated 22.02.2016 & 25.02.2016 (Annexures R-1 & R-2) against the petitioners. Complaint dated 25.02.2016 (Annexure R-2) was even signed by Head Master of the School, Lambardar and other respectable persons of the village. After receiving the above complaint(s), the petitioners were requested to mend

their ways, but to no avail. Thereafter, resolution dated 26.02.2016 (Annexure R-3) was passed, whereby Gram Panchayat decided to appoint some other persons as Tubewell Operators by removing the present petitioners. Vide another resolution dated 08.03.2016 (Annexure R-4), Roshan Lal, Harbhajan Singh, Khem Chand and Balinder were appointed as Tubewell Operators. Vide resolution No.5 (Annexure R-5), the Gram Panchayat had directed the newly appointed Tubewell Operators to start work w.e.f. 01.04.2016. Salaries of the petitioners have been paid upto 31.01.2014 and after 01.04.2016, neither they have done any job nor they are entitled for any salary.

In a separate written statement filed by respondent No.4-Sub Divisional Engineer, Public Health Engineering Sub Division, Indri, District Karnal, it is stated that vide letter/instructions dated 17.07.2003 (Annexure R-1) issued by the Engineer-in-Chief, Public Health Engineering Department, Haryana, the work for operation of the village tubewells through part time pump attendants i.e. for switching on and off the tubewells in the village in morning and evening time for rural water supply scheme, was entrusted to the Gram Panchayat of village Kalsora, District Karnal-respondent No.5 after submission of resolution dated 16.08.2014 (Annexure R-2). Since then, respondent No.5 has been responsible for the operation of the tubewells in the village. Initially, vide letter dated 17.07.2003 (Annexure R-1), it was decided that a suitable amount not exceeding Rs.1000/- per month was to be paid to the persons to be engaged for operating the tubewells on part time basis. Vide letter dated 17.03.2011 (Annexure R-3), it was enhanced to Rs.2000/- per month. Thereafter, vide letter dated 02.01.2014 (Annexure R-4), wages were revised from Rs.2000/-

per month to Rs.2672/- per month. Thereafter, it has been increased to Rs.4050/- per month vide letter dated 29.08.2014 (Annexure R-5). As per letter (Annexure R-6) received from respondent No.5, work and conduct of the petitioners was not satisfactory and complaints were received from the villagers about non-running of the tubewells at proper time. In this backdrop, vide resolution dated 08.03.2016, the Gram Panchayat-respondent No.5 engaged other persons namely Roshan Lal, Harbhajan Singh, Khem Chand and Balinder, who were directed to start their work w.e.f. 01.04.2016. Since then, the above named persons are running the tubewells. The petitioners have worked upto 31.03.2016 and their wages have been paid by respondent No.5 till then.

After hearing learned counsel for the parties and going through the facts and circumstances of the case, this petition deserves to be dismissed. As per stand taken in the writ petition, the petitioners have worked as Part Time Tubewell Operators upto 31.03.2016. The present petition has been filed on 25.05.2016. Since 01.04.2016, the persons appointed vide resolution dated 08.03.2016 (Annexure R-4) are already working as Part Time Tubewell Operators. Apart from the fact that petitioner Nos.1 to 3 and wife of petitioner No.4 namely Smt. Shashi Bala were Members of Gram Panchayat from 2010 to 2015, there were complaints dated 22.02.2016 & 25.02.2016 (Annexures R-1 & R-2) against them, which were made by number of inhabitants of village, including Head Master of the School and Namberdar of the village.

Keeping in view that petitioner Nos.1 to 3 and wife of petitioner No.4 were Members of the Gram Panchayat and many complaints were filed against them by the villagers, no case is made out for giving direction to the

Gram Panchayat to re-appoint the petitioners after relieving the candidates,
who have been working on such posts since 01.04.2016.

No merits.

Dismissed.

(RITU BAHRI)
JUDGE

22.05.2019
ajp

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No