

**Sr. No.227
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.13720 of 2015 (O&M)

Date of Decision: 25.01.2019

Darshan Singh

... Petitioner

Versus

State of Punjab and others

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. D.R.Parihar, Advocate,
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. Avtar Ahmed, Advocate,
for respondents No.2 and 3.

Mr. Gurpreet Singh, Advocate for
Mr. L.S.Sidhu, Advocate,
for respondent No.4.

Mr. Subhash Ahuja, Advocate with
Mr. S.K.Goyal, Advocate,
for respondents No.5 and 6.

ARUN MONGA, J.(ORAL)

Present petition has been filed, *inter alia*, seeking issuance of a writ in the nature of certiorari to quash the impugned resolution dated 18.11.2011 (Annexure P-8) passed by respondent No.3-Market Committee whereby respondent No.4 was appointed as a 'Peon' in 'Scheduled Caste' Category. An appeal filed against the said resolution has been dismissed vide order dated 11.05.2015 (Annexure P-12).

2. At the outset, learned counsels for the respondents contend that the present writ petition, not only is premature but

even otherwise not maintainable. Vide impugned appellate order, the case of the petitioner has not been decided on merits. The appeal was dismissed with liberty to re-file the same by impleading the selected candidates whose appointment was under challenge. They contend that while the said private respondents have been made party in the present writ petition, but they were not made party in the appeal owing to which same was dismissed with liberty to re-file.

3. I am in agreement with the contentions of learned counsel for the respondents as noted above. I am of the view that the petitioner has not exhausted his alternative remedy. He also ought to have impleaded the private respondents in the appeal preferred by him. In the absence of the same, the appellate authority was fully justified in dismissing the appeal with liberty to the petitioner to re-file the same by impleading the effected parties whose appointment was under challenge.

4. In view thereof, present writ petition is hereby dismissed with liberty to the petitioner to seek his alternative remedy by complying with the observations of the appellate authority vide order dated 11.05.2015.

(ARUN MONGA)
JUDGE

25.01.2019

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No