

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

112

Civil Writ Petition No.14873 of 2018
Date of Decision: February 26th, 2019

Ranvir

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 17.05.2017
(Annexure P-8) passed by the District Collector, Faridabad.

2. It is the contention of learned counsel for the petitioner that the services of the petitioner have been dispensed with on a complaint which was submitted against the petitioner. He contends that the inquiry which has been held by the Sub Divisional Magistrate cannot be made the basis for removal of the petitioner from the post of Chowkidar. He contends that in his service record, there has been nothing against him since the year 1997 and the present action has been taken against the petitioner on the basis of the complaint, which has emanated out of the complaint dated 24.04.2016 which has been submitted by the petitioner against one Yashpal son of Rampal which was sent on 09.05.2016 (Annexure P-1). He contends that as a fallback thereof, the complaint has been flagged against the petitioner to the office of the Chief Minister which has been received vide letter dated 09.06.2016 in the office of the Tehsildar, Ballabhgarh. He contends that the order has been passed without taking into consideration the response of the petitioner, where he had stated that he had not participated in village politics, rather there have been affidavits filed by about 100

people that he is not indulging himself in any politics and that there is nothing against him which would disentitle him to continue as Chowkidar. He, thus, contends that the impugned order cannot sustain and deserves to be set aside.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the records of the case.

4. Perusal of impugned order dated 17.05.2017 (Annexure P-8) would show that a complaint was received by the office of the Tehsildar, Ballabhgarh from the Chief Minister's office. On the basis of the same, an inquiry was held regarding removal of Ranvir, Chowkidar, Village Bhanakpur (petitioner). He having inquired into the matter and taking into consideration the various aspects as also the statements of the villagers after associating the petitioner as well as the complainant came to a conclusion that the petitioner is not working properly and is misusing his post and, therefore, continuance of the petitioner as Chowkidar would not be in the right spirit as he is not suitable for continuing as such. This report was forwarded vide letter No.950 dated 09.06.2016 to the Sub Divisional Magistrate.

5. The Sub Divisional Magistrate accepted the report of the Tehsildar and forwarded it to the District Collector with recommendation for removal of the petitioner vide letter dated 20.01.2017. Show cause notice for personal hearing was issued to the petitioner by the District Collector, Faridabad, vide letter dated 24.03.2017. Not only the petitioner was heard personally but the Block Development and Panchayat Officer,

Bhanakpur, Naraya Singh, Lambardar, Vedpal, Lambardar as also Radhe Kishan, Lambardar of Village Bhanakpur were involved in the hearing on 19.04.2017.

6. Thereafter on 17.05.2017, Chowkidar Ranvir (petitioner) and Block Development and Panchayat Officer, Ballabhgarh, Panchayat Secretary, Bhanakpur and Sarpanch, Gram Panchayat Bhanakpur were heard. The Block Development and Panchayat Officer, Ballabhgarh, Panchayat Secretary, Bhanakpur and Sarpanch, Gram Panchayat Bhanakpur, had in one voice stated that the petitioner used to participate in village politics because of which the atmosphere of the village is vitiated and his behaviour is not good towards Government employees. He was negligent towards his work and was not working properly. He was disturbing the harmony in the village and, therefore, should be removed. Shri Raghbir Singh, another Chowkidar had come in support of the petitioner by stating that it was a false and baseless complaint influenced by party fraction and he should not be removed from the post of Chowkidar. It is after considering all the aspects that the District Collector, Faridabad, had ultimately come to a conclusion that the petitioner was not performing his duties properly and was disturbing the cordial atmosphere of the village by indulging in the party fraction in the village. After having come to the said conclusion, the present petitioner has been removed from the post of Chowkidar.

7. These detailed facts having been taken into consideration, this Court does not find any illegality in the order, which would call for interference by this Court in exercise of its writ jurisdiction.

8. The writ petition being devoid of merits, therefore, stands dismissed.

February 26th, 2019
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No