

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-21800-2018 (O&M)
Date of Decision: 24.01.2019

Kulbir Singh & others

--Petitioners

Versus

Union of India & others

--Respondents

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

Present:- Ms. Anjali Khosla, Advocate for the applicants/petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

CM-743-2019

In view of the averments made in the application and submissions advanced by counsel, prayer is allowed. The order dated 10.1.2019 passed by this Court is recalled.

Writ petition is directed to be restored to its original number.

Since notice of motion in the writ petition had not been issued, the same is taken up on Board today itself.

Application is disposed of.

Main Petition

Petitioners seek a Writ of Quo Warranto seeking quashing of the appointments of respondents no.5 to 8 against the post of Painters that have been made by the U.T., Chandigarh administration.

Having heard counsel for the petitioners at length, this Court is of the considered view that the instant writ petition is wholly misconceived and deserves to be dismissed.

In the first instance counsel has not been able to satisfy as to how a Writ of Quo Warranto can be issued against the post of Painter under the U.T. Chandigarh administration. A specific query was put as to whether

the post of Painter would fall within the expression “Public Office”. There is no response coming forth in such regard.

During the course of hearing counsel has conceded that the process of selection and appointment of respondents no.5 to 8 was put to challenge by filing an Original Application before the Central Administrative Tribunal (CAT), Chandigarh Bench and the same had been dismissed. The order passed by the CAT is stated to have been affirmed even by this Court as also the Supreme Court.

Even otherwise, the selection and appointment of respondents no.5 to 8 relates back to the year 1998. The instant writ petition has been filed in the year 2018.

On all grounds the instant writ petition must fail.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

24.01.2019

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