

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.125

CWP-2744-2020 (O&M)
Date of decision : 3.2.2020

Raj Kumar

..... Petitioner

VERSUS

Sub Divisional Magistrate-cum-Collector, Balachaur, and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.D. Rattewal, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner was appointed as Chowkidar vide order dated 16.1.2018 passed by the Tehsildar, Balachaur. Respondent No.3 filed a statutory appeal against the said order, which has been allowed vide impugned order dated 26.12.2019. Aggrieved with the said order, the present writ petition has been filed.

Learned counsel for the petitioner submits that the appeal was time barred as it is dated 30.5.2018, whereas, the order of learned Tehsildar was dated 19.1.2018. This aspect of the matter has not been gone into by the learned Collector and thus, the impugned order is vitiated. Moreover, the impugned order is non-speaking.

So far as the issue of limitation is concerned, learned counsel for the petitioner has not been able to point out that any specific objection regarding limitation was taken. Thus, the petitioner is deemed to have waived his right in that regard.

So far as the impugned order being non-speaking is concerned,

I have gone through the same with the assistance of learned counsel for the

petitioner. The Collector has found that father of the private respondent as well as his grand-father had served as Chowkidar and that the private respondent is young and healthy person and is fit for performing the duties of Chowkidar. Thus, adequate reasons have been given by learned Collector and the contention of learned counsel for the petitioner that the order is non-speaking, is misplaced.

In exercise of writ jurisdiction, the High Court would interfere only if any perversity is pointed out in exercise of jurisdiction by the administrative/quasi judicial authority. No such perversity has been pointed out and thus, the writ petition is devoid of any merits.

Accordingly, the writ petition is dismissed.

(SUDHIR MITTAL)
JUDGE

3.2.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No