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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.107

CM-18834-CWP-2019 in/and
CWP No.13681 of 2017
DATE OF DECISION: February 12, 2020

LADHA RAM

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sanjiv Gupta, Advocate,
for the applicant-petitioner.

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SUDHIR MITTAL, J. (ORAL)

CM-18834-CWP-2019

The applicant prays for an actual date of hearing in the main case.

For the reasons mentioned in the application, the same is allowed and the main case is taken on board today itself.

CWP-13681-2017

The petitioner seeks quashing of order dated 14.04.2017 (Annexure P-7) conveyed on 26.04.2017 whereby he has been dismissed as Chowkidar of the village.

2. A perusal of the impugned order shows that vide resolution No.2 dated 12.09.2016, the Gram Panchayat had passed a resolution that the petitioner was not performing his duties well. This was the second

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complaint. An earlier resolution dated 01.07.2016 had been passed against the petitioner whereupon the petitioner had got a statement recorded on 01.09.2016 that he will not commit any mistake in the future. Opportunity of hearing was granted to the petitioner but he was unable to prove his contention that the action was malafide and therefore, the impugned order was passed by the Deputy Commissioner, Panipat.

3. Learned counsel for the petitioner submits that the incumbent Sarpanch was asking the petitioner to do menial jobs which was not within the charter of duties of the petitioner and thus, a resolution was passed seeking the dismissal of the petitioner. The resolution was motivated and the learned Deputy Commissioner has failed to notice this fact.

4. On being asked to substantiate his submission, learned counsel for the petitioner has failed to do so.

5. Thus, I find no error in the impugned order dated 14.04.2017 (Annexure P-7) passed by the Deputy Commissioner, Panipat. The writ petition is without any merit and is dismissed.

6. At this stage, learned counsel for the petitioner submits that the petitioner has not been paid his salary for one year before the date of dismissal. A representation dated 14.02.2017 (Annexure P-5) was made in this regard to the Sub-Divisional Officer concerned but no action has been taken thereupon till date. Thus, the Sub-Divisional Officer concerned may be directed to pass an appropriate order thereupon within a limited time frame.

7. The Sub-Divisional Officer concerned is not a party in this writ petition and no directions can thus be issued to him. The petitioner would,

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however, be at liberty to make a fresh representation to the Deputy Commissioner, Panipat within 10 days from today. In case, such a representation is made, the same shall be decided expeditiously and in accordance with law.

February 12, 2020 **(SUDHIR MITTAL)**
Ankur **JUDGE**

Whether speaking/reasoned Yes

Whether Reportable No