

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

Sr. No.114

CWP-23955-2021 (O&M)
Date of decision : 14.12.2021

Naresh Parsad

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vikram Singh, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

Challenge in this writ petition is to the appointment order dated 24.08.2021 (Annexure P-2) and letter dated 01.09.2021 (Annexure P-3), whereby, the petitioner has been removed from the post of Chowkidar.

The matter was adjourned to today to enable learned counsel for the petitioner to refer to any judgment which held that the impugned order was not appealable.

Learned counsel for the petitioner has referred to order dated 22.03.2017 passed in CWP-1612-2017 titled as Subhash Vs. State of Haryana and others. The said order does not hold that an appeal under Section 13 of the Punjab Land Revenue Act, 1887 (hereinafter referred to as the Act) cannot be filed against an order passed by the Collector under the Punjab Chowkidara Rules, 1876 (hereinafter referred to as the Rules).

Learned counsel for the petitioner submits that the impugned order passed by the Deputy Commissioner is an order passed under the Rules. The order has not been passed as a Revenue Officer. The Rules do not provide for an appeal and thus, appeal under Section 13 of the Act is not maintainable.

The argument cannot be accepted. While passing an order under the Rules, the Deputy Commissioner does not cease to be a Revenue Officer. He appoints a Chowkidar for the benefit of the village which is part of a revenue estate. For all intents and purposes, he acts as Revenue Officer. Section 13 of the Act provides for an appeal against an original order passed by a Revenue Officer and thus, order of the Deputy Commissioner is amenable to challenge in appeal.

In view of above, the writ petition is dismissed on account of existence of an equally efficacious remedy of appeal.

(SUDHIR MITTAL)
JUDGE

14-12-2021
Ramandeep Singh

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