

511

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

CWP-16901-2001 (O&M)

Date of decision: August 31, 2022

Suresh Kumar and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of writ in the nature of mandamus directing the respondents to allow the petitioners to work on the post of Sweeper only and not compel them to perform the duties of Chowkidar or in the alternative the work of only one post as stipulated in Haryana State Secondary Education Field Officers (Group-D) Service Rules, 1998.

2. Petition was admitted for hearing in the year 2001. On case being called out, none has appeared for the petitioners.

3. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same.

4. In any case, from a perusal of record/pleadings, it appears that even on merits, claim of the petitioners is not admissible. Reference may be had in particular to the stand taken in Para-2 of the preliminary objection of the written statement filed on behalf of respondent No. 5 and the same reads as under:-

“2. That in reply to para No.2- That the petitioner are working as Sweeper-cum-chokidar and there is no independent and separate sanctioned post of Sweeper or Chokidar. It is submit ted that there are three post sanctioned in High School & Senior Secondary School of Haryana. These posts are(1) peon (2) waterman (3) Sweeper-cum chokidar. In fact the sweeper-cum-chokidar does sweeping job in the morning before opening of the school and he is out of duty during school till opening of school. In facts the petitioner do sweeping work one hour only in the morning and they are paid Rs. 65-00 per month extra for this purpose. It is pertinent to mention here that the petitioner are not required to remain in school during school working hours and they are not discharging 24 hours duties. Moreover, sweeper cum-chokidar are provided accommodation in the school premises and most of them remain in the school complex with there families hence the duty of chokidar are just hygienic and fair and there is not violation of any provision of service rules.”

5. Learned State Counsel has canvassed arguments on similar lines as the stand taken in the written statement.

6. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

7. In the overall premise, I see no irregularity of any kind committed by the Department as to warrant any judicial intervention of this Court.

8. In view of the aforesaid, no grounds are made out to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

August 31, 2022
monika

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No