

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

CWP No.6586 of 2000 (O&M)

Date of decision: 23.05.2022

Satyawan

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Surinder Singh Joshi, Advocate, for the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing the respondents to depute and appoint the petitioner as Patwari.

2. Petition was admitted on 02.09.2002 and has been lying admitted ever since. When called out for hearing, learned counsel is unable to assist the Court for lack of instructions. Learned counsel for the petitioner states that despite attempts, his office could not contact the petitioner.

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 petitioner seems to have lost interest in pursuing the same.

4. In any case, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in para No.3 of the reply, which is reproduced herein below for ready reference:-

“3. That in reply to para 3 of the writ petition, it is submitted that the selection of the patwari candidates was made by the Staff Selection Commission, Haryana. The patwari candidates are required to undergo one year training in the patwar training school and six month's field training. After the completion of training, these candidates are required to pass the departmental examination and thereafter the names of successful candidates are to be recommended to the Deputy Commissioners for appointment, subject to the availability of posts and if state exigencies so require. Further, it is submitted that in view of the financial constraints being faced by the State, the Finance Department had initiated some steps for down sizing the expenditure on establishment. A policy decision was taken by the Finance Department which was conveyed to all the departments to abolish all those posts which were lying vacant for more than two years as on 29/2/2000 and has also banned fresh recruitments. Down sizing the government by abolishing all vacant posts, imposing ban on fresh recruitment, mobilizing additional revenues through better tax collection and rationalization of taxes were some of the steps which were taken by the Finance Department to meet the increased expenditure liability on account of pay revision etc. and referred to by the Finance Minister also in his budget speech which was presented by him in the Haryana Vidhan Sabha on 14/3/2000. Hence, the question of imparting training to the petitioner does not arise as all these posts of patwaris have been abolished by the above instructions of the Finance Department because they were lying vacant for more than two years. It is settled law that policy matters of the Govt. cannot be challenged in the Court of Law and the present writ petition purports to assail the Government's policy which is not permissible by invoking Article 226 and 227 of the Constitution of the India as the State Govt.'s action is neither discriminatory nor irrational and the same is accentuated on account of financial crisis as submitted above. Since the vacant posts of patwaris stand abolished, therefore, the petitioner cannot be considered for appointment as Patwari.”

5. I am in agreement with the stand taken by the respondents as aforesaid. 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.

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

7. Dismissed.

23.05.2022
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No