

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CWP-4017-2023
Date of decision: 16.03.2023

HARJINDER SINGHPetitioner

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr.Vijay Deep Rahtee, Advocate and
Mr. B.S. Rathee, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The present petition raises a challenge to the order dated 06.10.2021 (Annexure P-25) passed by respondent No.2-Animal Husbandry, Fisheries and Dairy Development, Govt. of Punjab. A further challenge is raised to the order dated 12/14-12-2022 (Annexure P-30) whereby respondent No.4 has been promoted as Deputy Director and given the additional charge of Director & Warden of Fisheries, Punjab.

The petitioner has specifically averred in para No.1 of the writ petition that he has no personal interest in the matter and is approaching this Court as a guardian of public funds and pointing out the misappropriation and mis-utilization of the funds of Government of Punjab and to conduct inquiry into the same. He contend that the petitioner had earlier filed CWP-PIL-104-2020 which was disposed of by a Division Bench of this Court vide

order dated 17.08.2020 as the State of Punjab had undertaken to look into the representation submitted by the petitioner and to take a decision thereupon. Consequent to such undertaking given by the State of Punjab in the said PIL, the order dated 06.10.2021 has been passed by the Special Secretary, Department of Animal Husbandry, Dairy Development and Fisheries, Punjab. In the said order, the Special Secretary has recorded a finding that the complaint submitted by the petitioner was found to be baseless and could not be established.

Since the petitioner is not espousing any personal grievance and is filing the present petition for seeking enquiry against the private respondent in public interest, filling of this writ petition as private cause of interest is misconceived and is not sustainable.

Insofar as the challenge to the order of the promotion of the respondent No.4 is concerned, counsel for the petitioner fairly submits that the writ of Quo Warranto has not been filed and that the petitioner was never a candidate or contestant for seeking promotion as Deputy Director. No proxy litigation in service laws qua the order of promotion can be entertained at the behest of any meddlesome interloper. Accordingly, the present petition is liable to be dismissed on the said ground alone. The petitioner may, if so advised, take recourse to his remedies by way of approaching the PIL Court qua the remnant cause of action.

Dismissed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 16, 2023
Vishal Sharma

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