

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.28242 of 2019 (O&M)

Date of Decision:07.08.2023

Dalbir

...Petitioner

Vs

Deputy Commissioner, Charkhi Dadri and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

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HARSIMRAN SINGH SETHI J. (ORAL)

C.M. No.3196-CWP-2023

The application is allowed as prayed for.

Replication to the reply filed by the respondents is taken on record.

CWP No.28242 of 2019

In the present petition, prayer of the petitioner is that the petitioner is entitled for salary for the post of Peon for the period from 21.03.2017 till 31.01.2019 along with interest @12% per annum.

In the reply filed, respondents have disputed the said claim of the petitioner that he was never appointed on the post of Peon so as to claim salary for the post in question.

Keeping in view the above mentioned facts, the disputed question of fact arises, especially when no appointment letter has been brought on record to show that the petitioner was appointed on the post of Peon with the respondents.

Further, keeping in view the settled principle of law as culled out in the judgment rendered by the Hon'ble Supreme Court in ***Shubhash Jain Vs.***

Rajeshwari Shiwam and others in Civil Appeal No.2848 of 2021 on 20.07.2021,

a disputed question of fact cannot be decided under Article 226/227 of the Constitution of India, hence, the petitioner is relegated to avail appropriate remedy before the Civil Court, if he desires so.

The writ petition is disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

August 07, 2023
Pankaj*

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