

106

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

CWP No.11466 of 2021

Date of Decision: 16.02.2024

Rakesh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

RAJESH BHARDWAJ, J.

Present writ petition has been filed for quashing the order of appointment of Chowkidar in village Kaliyana dated 04.07.2018 (Annexure P-1) and all the proceedings including recommendation dated 13.02.2017 and report dated 06.11.2015 (Annexure P-2 and P-3 respectively) being illegal, unconstitutional, against the principle of natural justice as well as concerned policy and rules. Further prayer has been made for directing respondent No.2 to appoint the petitioner as Chowkidar of village Kaliyana keeping in view his merits and experience.

It has been submitted by learned counsel for the petitioner that the proceedings for appointment of Chowkidar in village Kaliyana were initiated before the Assistant Collector IInd Grade, Charkhi Dadri after getting sanction from the Collector, Bhiwani on 08.01.2024. He

submits that respondent No.4 sent the recommendation report in favour of respondent No.5 for his appointment to the post of Chowkidar. He submits that respondent No.3 i.e. Sub Divisional Officer (Civil), Charkhi Dadri also recommended the name of respondent No.5 in concurrence with the report of respondent No.4 on 13.12.2017. He has submitted that agreeing with the recommendation, the Collector, Bhiwani appointed respondent No.5 as Chowkidar vide his order dated 04.07.2018. He has submitted that respondent No.4 sent the recommendation report dated 06.11.2015 in favour of respondent No.5 without assigning any reason. He submits that perusal of the report would reveal that merits and demerits of the candidates have not been considered. He submits that claim of the petitioner regarding the experience has not been taken into consideration by the respondents authorities. He has submitted that petitioner is the son of deceased Chowkidar and he was working on the post after the death of his father till the appointment of respondent No.5. He submits that the impugned order passed by the Collector is without the application of judicious mind. He submits that the petitioner was 30 years of age whereas respondent No.5 was 46 years of age at the time of appointment and thus, the petitioner was 15 years younger than respondent No.5. He submits that respondent No.5 is in illegal possession of the Panchayat land. He has submitted that the impugned orders being illegal and arbitrary deserve to be set aside.

Heard.

On hearing learned counsel for the petitioner and perusing the record, it is apparent that on the death of earlier Chowkidar, process

for the appointment of new Chowkidar was initiated in the village on 08.01.2014. The petitioner and respondent No.5 both applied for the said post. On the perusal of their applications, the petitioner was found to be 27 years of age whereas respondent No.5 was found to be 42 years of age and both were matric by qualification. Respondent No.5 was found to be an active participant in social and religious work and he used to give donations from time to time. Thus finding him suitable, the Tehsildar-cum-Assistant Collector IInd Grade recommended the name of respondent No.5 to be appointed as Chowkidar of the village to the Sub Divisional Magistrate (Civil) vide his recommendation report dated 20.11.2015. On consideration of the report sent by the Assistant Collector IInd Grade, the Sub Divisional Magistrate (Civil) gave his concurrence to the report by agreeing with the recommendation vide his report dated 07.03.2017. The Collector, Bhiwani appreciated the merits and demerits of both the candidates and perused the recommendation reports sent by the Assistant Collector and the Sub Divisional Magistrate (Civil). The precise submission made by learned counsel for the petitioner is that petitioner is the son of deceased Chowkidar and he had also worked as Chowkidar of the village after the death of his father. Besides this, he has alleged that respondent No.5 had encroached upon the Panchayat land. However, there is nothing on record to substantiate the allegations made by the petitioner regarding the encroachment. All the authorities on consideration of the merits of both the candidates, found respondent No.5 to be more suitable for appointment and thus, he has been appointed as Chowkidar of the village.

There is no evidence on record to show any infirmity in the impugned orders passed, which are based on the recommendations made by the two authorities.

Thus, this Court does not find any merit in the present petition, hence the same is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

16.02.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No