

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13243-2023
Date of decision: 29.04.2024

Sikander and anotherPetitioners

versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Parveen Kumar, Advocate
for the petitioners.

Mr. Rajneesh Chadwal, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for directing the respondents to release the salary of the petitioners which have been withheld by the respondents arbitrarily, illegally and unreasonably since their appointments as Chowkidar. Further prayer has been made for directing the respondents to decide the representation dated 10.03.2021 & 23.08.2022 respectively (Annexures P-4 and P-5) of the petitioners in a time bound manner.

The precise issue involved in the present case is that the petitioners were appointed as Chowkidar of the Village. He further submits that the petitioners are discharging their duties as Chowkidar of the respective villages where they were appointed but have not been released their salaries.

Learned State counsel however, has submitted that though the petitioners were erroneously issued appointment letters but later on, it was found that they did not fulfill the requisite qualification as per the mandate of the Act. He has submitted that the requisite qualification for

the appointment was 10th class pass whereas the petitioners were found to be 8th class pass. Hence, they were served with the show cause notices to give their reply of the same within 10 days but till date they have not filed any reply to the same. Rather they approached this Court by way of the present petition. He submits that the petitioners were not allowed to join and thus, they are not entitled for any salary. However, they have not filed any reply to the show cause notice dated 31.03.2021.

In view of the above submissions, learned counsel for the petitioners fairly submits that he may be allowed to withdraw the present petition with liberty to the petitioners to file their reply to the show cause notice dated 31.03.2021 and the authorities be directed to decide their case on filing of the reply by the petitioners.

In view of the above, petitioners are allowed to withdraw this petition with liberty to the petitioners to approach respondent No.2- Deputy Commissioner, Panipat and file their reply to the show cause notice dated 31.03.2021 within two weeks from the date of receipt of copy of this order. Respondent No.2 would provide personal hearing as well to both the petitioners and thereafter, he would pass requisite orders therein expeditiously in accordance with law, preferably, within four weeks from the date of filing of the reply.

29.04.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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