



CWP-23084-2018

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**235-5 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-23084-2018

Date of decision: 07.11.2024

RAJ KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Kamlesh, Advocate for
Mr. Parminder Singh, Advocate
for the petitioner.

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

Mr. Munish Mittal, Advocate
for respondent No.5.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, claiming the following reliefs:-

"i) issuance of writ in the nature of mandamus, directing the respondent not to replace the petitioner, employed on the post of Tubewell Pump Operator by way of another set of temporary employee having been appointed and worked continuously since from 19 January, 2015 under the policy of the Government over the said post in village Kartarpur (Gram Panchayat Gharpur Tapu), Tehsil Indri, District Karnal.

ii) issuance of writ in the nature of mandamus, directing respondent Nos.4 and 5 to release the salary of the petitioner due from 01.06.2018 over the post of Tubewell Operator may without any delay and the petitioner allowed to continue over their job work of Tubewell Operator."

2. In the written statement filed on behalf of respondent Nos. 1 to 3, it has been stated as under:-



"2. That briefly stated the facts of the case are that the petitioner was engaged as Tubewell Operator by the respondent No. 5 i.e. Gram Panchayat of village Garhpur Tapu, in the year 2015. Since the petitioner was not discharging his duties of the Tubewell Operator efficiently, as such the Gram Panchayat, vide its Resolution No. 4 dated 5.9.2018 (Annexure R-1) has decided to terminate the service of the petitioner and the Gram Panchayat has decided to sent a notice to the petitioner through the Chowkidar of the village in this respect. Thereafter the respondent No. 5 has sent a notice (Annexure R-2) on dated 6.9.2018 to the petitioner through the Chowkidar of the village, but the petitioner has refused to receive the same. Then again a meeting of the Gram Panchayat was convened on 7.9.2018, in which the Gram Panchayat vide its Resolution No. 1 dated 7.9.2018, (Annexure R-3) has decided to terminate the services of the petitioner as a Tubewell Operator and the pay of the petitioner up to the period of 31.8.2018 has already been paid to him by the Gram Panchayat through cheque. The Gram Panchayat has also decided to hand over the tubewell to the respondent No. 4 for operation, as there is no eligible persons to be appointed as Tubewell Operator, according to the guidelines of the Government. The Gram Panchayat has also passed another Resolution No. 2 dated 7.9.2018 (Annexure R-4) to the effect that since the services of the petitioner has been terminated and there is no eligible person in the village, as per the guidelines of the Govt. to be appointed as Tubewell Operator and as such the Gram Panchayat has decided to hand over the tubewell to the Public Health Department i.e. the respondent No. 4 so that the inhabitants of the village may not face any inconvenience due to non-supply of the drinking water in the village.

3. That the writ petition filed by the petitioner has become infructuous, since the services of the petitioner has already been terminated by the Gram Panchayat on 5.9.2018 by passing a resolution in its meeting."

3. Learned counsel for respondent No.5 submits that the services of the



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petitioner have already been terminated vide order dated 07.09.2018.

4. Since, the services of the petitioner have already been terminated and said termination has not been challenged by the petitioner, therefore, no relief can be granted to him in the present petition.

5. Disposed of in the above terms.

07.11.2024
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(NAMIT KUMAR)
JUDGE

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