

144 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-37495-2025 (O/M)
Date of decision : 15.01.2026

Rahul Menpal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Johan Kumar, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Prayer in this civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 15.04.2025 (Annexure P-2), passed by learned Deputy Commissioner, Palwal (in short 'Collector'), whereby respondent No. 5 (Murari son of Prahlad) has been appointed as Chowkidar of village Akbarpur Dakora, District Palwal.

1.1 A further prayer has been made for setting aside order dated 10.07.2025 (Annexure P-3), passed by learned Commissioner, Faridabad Division, Faridabad (in short 'Divisional Commissioner'), whereby the appeal preferred by petitioner against learned Collector's order dated 15.04.2025 (Annexure P-2), has been dismissed.

2. Briefly, upon vacancy having been arisen on the post of Chowkidar of village Akbarpur Dakora, proceedings were initiated for filling up the aforesaid vacancy, wherein petitioner (Rahul Menpal) and respondent No. 5 (Murari) were also the candidates.

2.1 The Assistant Collector 2nd Grade, Palwal as well as Assistant Collector 1st Grade, Palwal recommended the candidature of respondent No. 5 for aforesaid vacancy and placed the matter before learned Collector.

2.2 Learned Collector, upon consideration of the matter, found respondent No. 5 as a suitable candidate and accordingly, appointed him as Chowkidar of village Akbarpur Dakora, vide order dated 15.04.2025 (Annexure P-2).

2.3 Feeling dis-satisfied, petitioner preferred an appeal against learned Collector's order dated 15.04.2025 (Annexure P-2), which came to be dismissed by learned Divisional Commissioner, vide order dated 10.07.2025 (Annexure P-3).

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court for seeking relief (s), as noticed hereinabove.

4. Heard.

5. The only argument raised by learned counsel for petitioner is that learned Collector has wrongly appointed respondent No. 5 as Chowkidar without considering the fact that respondent No. 5 was involved in criminal cases.

5.1 I have considered the aforesaid contention raised on behalf of petitioner and perused the paperbook.

5.2 Learned Collector, vide order dated 15.04.2025 (Annexure P-2), appointed respondent No. 5 as Chowkidar of village Akbarpur Dakora, by observing as under :-

“The learned advocate of candidate Murari said in his arguments that he is a permanent resident of village Akbarpur Dakaura. He has passed 12th standard. He is a young man. He is having good financial condition in the village. He does not take part in the party politics of the village and actively participates in the schemes run by the government. He has knowledge of the work of Chowkidari. Assistant Collector 2nd Class, Palwal and Sub-Divisional Officer (Civil), Hathin, have also recommended to make candidate Murari a Chowkidar. As far as the advocate of candidate Rahul Mainpal alleges that the candidate is a person of criminal nature, no such evidence has been presented. The case registered against the candidate was found innocent as per the report of concerned SHO, candidate Murari has not illegally occupied any land of the village. Gram Panchayat Akbarpur Dakaura has also made a resolution in favour of candidate Murari. In the end, a request was made to make candidate Murari son of Prahlad the Chowkidar of village Akbarpur Dakaura.

After hearing both the candidates and thoroughly perusing the file of the lower court it was found, that candidate Murari is more eligible candidate than candidate Rahul Mainpal and moreover, Assistant Collector Class II, Sub-Divisional Officer (Civil), Palwal has also recommended candidate Murari to be appointed as Chowkidar. Under Haryana Chowkidar Rules 2013 and Rules 2016, I appoint Shri Murari son of Prahlad resident of

village Radarara Tehsil and District Palwal as Chowkidar of village Akbarpur Tehsil and District Palwal in place of retired Chowkidar Charan Lal. Apart from this, vide Ordinance No. 13/4/96-211C dated 03.10.2023 passed by Additional Chief Secretary Home Department the age of retirement of chowkidar has been increased to 60 years and in accordance with ordinance no. 13/4/96-211C dated 04.07.2016 it is mentioned that "A Watchman live years on submission of my continue to perform the duties upto the age of sixty medical fitness certificate issued by Government Dispensary/Hospital alongwith a report In antecedents obtained from the Superintendent of Police concerned on yearly basis".

The order has been pronounced in the open court on dated 15.04.2025 and file is consigned to the record room."

5.3 A perusal of above extracted order would show that as far as allegation of involvement of respondent No. 5 in criminal cases is concerned, it has come on record that no evidence had been presented as regards involvement of respondent No. 5 in criminal cases. It appears that as per report of concerned SHO, respondent No. 5 was found innocent and there is also no evidence that he has illegally occupied any land of the village.

5.4 Before this Court as well, learned counsel for petitioner has failed to refer to any material to prima facie show the involvement of respondent No. 5 in any criminal cases and/or his unauthorized possession over any Government/public land. Learned Collector had found respondent No. 5 as a suitable candidate as Assistant Collector 1st Grade, Palwal and Assistant Collector 2nd Grade, Palwal had also recommended the candidature of respondent No. 5 for appointment to the

post of Chowkidar. Learned Collector's order has been further affirmed by learned Divisional Commissioner.

6. In view of the above, I see no compelling reason, which may warrant interference in the impugned orders.

7. Resultantly, the instant civil writ petition fails and same is accordingly, dismissed.

8. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

15.01.2026
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No