

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CM No. 1234/2023 in
WP(C) No. 228/2023

Barkit HussainApplicant(s)/Petitioner(s)

Through: Mr. F. A. Natnoo, Advocate

Vs

UT of J&K and othersNon-Applicant(s)/Respondent(s)

Through: None

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
03.03.2023

When this writ petition came to be filed, the process for selection and appointment of a Chowkidar for Niabat Lassana, village Phagla, tehsil Surankote, district Poonch was in currency. In view of that, this Court, in terms of an interim order dated 08.02.2023, had directed the respondent no. 2 i.e. the Deputy Commissioner, Poonch to consider the case and claim of the petitioner for selection and appointment as a Chowkidar of said village.

However, during the pendency of the writ petition, the official respondent no. 3 i.e. the Tehsildar Surankote has come forward with an order no. 01 of 2023 dated 07.02.2023 thereby appointing the respondent no. 5, namely, Ibrar Ahmed as Chowkidar. The petitioner is aggrieved of issuance of this order on the premise that without any procedure and basis, the respondent no. 5 has been picked up as an act

of favouritism on the part of the Tehsildar Surankote for appointment as a Chowkidar. Through CM no. 1234/2023, the petitioner is seeking an interim direction with respect to the operation of the said order.

Prima facie, case is made out.

Issue notice to the respondents in CM also.

In the meantime, operation of order no. 01 of 2023 dated 07.02.2023 passed by the respondent no. 3 to the extent it pertains to the appointment of the respondent no. 5 – Ibrar Ahmed as Chowkidar of Niabat Lassana, village Phagla, tehsil Surankote, district Poonch shall remain in abeyance. This direction is however, subject to objections from the other side.

List CM no. 1234/2023 along with the main petition.

(Rahul Bharti)
Judge

Jammu
03.03.2023
Muneesh