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C.A.No. 4674 OF 1999  
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp  
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ITEM NO.101(PH) COURT NO.6 SECTION-IV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.4674/1999

Narinder Pal Singh .. Appellant

Vs.

State of Haryana & Ors. .. Respondents  
(With office report)

DATE : 27.11.2001 : This/These matter (s) was/were  
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MRS.JUSTICE RUMA PAL

For Appellant (s) : Mr. M.L. Verma, Sr. Adv.  
Mr. Jasbir Malik, Adv.  
Mr. Kishan Datta, Adv.

For Respondent (s) : Mr. Aditya Kumar Choudhary, Adv.  
Mr. J.P. Dhanda, Adv.  
  
Mr. Rishi Malhotra, Adv.  
Mr. Prem Malhotra, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....J

.SP2

The appeal is allowed in terms of the signed order.

.SP1

Charanjit

[ Om Prakash ]  
Court Master

[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4674/1999@@  
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Narinder Pal Singh .. Appellant

Vs.

State of Haryana & Ors. .. Respondents

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The appellant before us was appointed as Assistant Project Officer on the establishment of District Rural Development Agency, Hisar - Respondent Nos.3 & 4 on March 21, 1994 after appearing from amongst candidates sponsored by employment exchange for the post which was lying vacant for quite some time. This appointment was challenged by Respondent No. 5 by filing a Writ Petition on various grounds. He sought for the relief of issuance of a writ of quo warranto to declare that appellant is not qualified for the post of Assistant Project Officer.

The High Court proceeded to consider the matter on merits without examining whether the post held by the appellant is a public office or not. It is clear from the findings recorded by the High Court; firstly that the establishment is a society registered under the Societies Registration Act and as such it cannot be ..2/-

: 2 :

stated that the post held by the appellant could be a public office to warrant the issue of a writ of quo warranto. Therefore, the relief granted by the High Court in this regard is plainly improper.

The High Court ought not to have examined the merits of the case at the instance of Respondent No. 5 when he himself was not in any manner aggrieved by the action taken by the establishment in appointing the appellant as Assistant Project Officer inasmuch as he could not have claimed such a post either by way of promotion nor was he an applicant to the said post. Thus he did not disclose any grievance before the Court to be investigated as to whether the appointment of the appellant is in order or not.

The appointment of the appellant was made as early as March 21, 1994 while the Writ Petition was filed on February 16, 1997, in which event when the petition was entertained belatedly and the matter was sought to be investigated when the appellant had already served for

almost three years and if his appointment is quashed at this stage, when he is on the verge of becoming over-aged ..3/-

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for any appointment, it would have caused immense injustice to him. This aspect should have been borne in mind by the High Court before entertaining the matter.

These three aspects to which we have adverted to having been lost sight of, we think the order made by the High Court cannot be sustained and is set aside and the writ petition filed by respondent no. 5 shall stand dismissed.

The appeal is allowed accordingly.

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.....J@@  
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[ S. RAJENDRA BABU ]@@  
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[ RUMA PAL ]@@  
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New Delhi,@@  
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November 28, 2001@@  
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