

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

Reserved on: 31.05.2025

Pronounced on: 08.08.2025

WP(C) No. 596/2023

CM No.1405/2023

c/w

WP(C) No. 3043/2023

CM No. 7331/2023

WP(C) No. 596/2023

1. Man Singh,
age 62 years
S/O Hukam Chand
R/O Village Roulka, Tehsil
Bani, District Kathua
2. Bansi Lal, age 62 years
S/O Devi Ditta
R/O Village Sandroon,
Tehsil Bani,
District Kathua
3. Chatter Singh, age 61 years
S/O Sripat, R/O Village Killore,
Tehsil Bani, District Kathua.
4. Karam Chand, age 63 years,
S/O Gunjara, R/O Village
Kotli, Tehsil Bani, District
Kathua.

.....Appellant(s)/Petitioner(s)

Through: Mr. Jagpaul Singh, Advocate.

Vs

1. Tehsil and District Udhampur.
Union of Territory of Jammu &
Kashmir through Commissioner-
cum-Secretary to the Government,
Revenue Department, Civil
Secretariat, Jammu.

2. Deputy Commissioner, Kathua.
3. Tehsildar Bani, District Kathua
4. Vipam Singh S/O Sham Lal R/O Village Roulka, Tehsil Bani, District Kathua.
5. Rattan Chand, S/O Bhagat Ram, R/O Village Sandroon, Tehsil Bani, District Kathua.
6. Daleep Singh S/O Dev Raj R/O Village Kilore, Tehsil Bani, District Kathua.
7. Aflatoon S/O Rustam Butt, R/O Village Kotli, Tehsil Bani, District Kathua

..... Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG.

WP(C) No. 3043/2023

1. Man Singh,
age 62 years
S/O Hukam Chand
R/O Village Roulka, Tehsil
Bani, District Kathua
2. Bansi Lal, age 62 years
S/O Devi Ditta
R/O Village Sandroon,
Tehsil Bani,
District Kathua
3. Chatter Singh, age 61 years
S/O Sripat, R/O Village Kilore,
Tehsil Bani, District Kathua.
4. Karam Chand, age 63 years,
S/O Gunjara, R/O Village Kotli,
Tehsil Bani, District Kathua.

.....Appellant(s)/Petitioner(s)

Through: Mr. Jagpaul Singh,
Advocate.

1. Union of Territory of Jammu & Kashmir through Commissioner-cum-Secretary to the Government, Revenue Department, Civil Secretariat, Jammu.

2. Deputy Commissioner, Kathua-Collector.
3. Assistant Commissioner (Rev)
4. Tehsildar Bani, District Kathua
5. Vipin Singh S/O Sham Lal R/O Village Roulka, Tehsil Bani, District Kathua.
6. Rattan Chand, S/O Bhagat Ram, R/O Village Sandroon, Tehsil Bani, District Kathua.
7. Daleep Singh S/O Dev Raj R/O Village Kilore, Tehsil Bani, District Kathua.
8. Aflatoon S/O Rustam Butt, R/O Village Kotli, Tehsil Bani, District Kathua

..... Respondent(s)

Through: Ms. Monika Kohli, Sr.
AAG.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT

1. The petitioners 1,2,3 and 4 aged 62 years, 62 years, 61 years and 63 years respectively, have filed these petitions in the year 2023 for quashing the orders in respect of their dismissal from the posts of Lamberdars of their respective villages and for quashing the orders of temporary appointment of respondents 4 to 7 as Lambardars of village Roulka, Sandroon, Kilore and Koti respectively. The petitioners have also sought the directions upon the official respondents to allow them to continue as Lambardars of afore-mentioned villages till the elections for the posts of Lambardars of afore-mentioned villages are held under the provisions of Rule 14 of the Jammu & Kashmir Lambardari Rules, 1980.

2. The petitioners claim to have been appointed as Lambardars and further that they have been performing their duties efficiently. The grievance projected by the petitioners in these petitions is that no opportunity of hearing was afforded to them before their dismissal from the posts of Lambardars of their respective villages and respondent No.3 had no jurisdiction to issue orders impugned. It is also contended that temporary appointment of private respondents as Lambardars of respective village has been made in contravention of the J&K Lambardari Act and the Rules framed thereunder.
3. Learned counsel for the petitioners has submitted that the petitioners have been dismissed from the post of Lambardars of their respective villages without affording opportunity of hearing to them and the private respondents have been appointed in contravention of the Rules.
4. On the other hand, Ms. Kohli, learned Sr. AAG submits that in the given facts and circumstances of the case appropriate orders may be passed.
5. Heard learned counsel for the parties and perused the record.
6. In case titled **Bashir Ahmed Teli Vs State of J&K & others** passed in OWP No. 1809/2017 along with clubbed matters, this Court has already held that no vested right exists in Lambardars who are appointed otherwise than by election to continue till the elections are held. In terms of Rule 16 of Jammu & Kashmir Lambardari Rules, 1980, the terms of office for which a Lambardar may be elected shall be 05 years or till he attains the age of 60 years whichever shall be earlier. All the petitioners in the instant petitions have crossed the age

of 60 years and once the elected Lambardars cannot continue beyond the age of 60 years, the petitioners who were appointed as Lambardars and not elected, cannot continue beyond the age of 60 years. As such, the relief prayed for by the petitioners for directing the respondents to allow the petitioners to continue as Lambardars of their respective villages cannot be granted. In terms of Jammu & Kashmir Lambardari Rules, 1980, a temporary appointment of Labamdar cannot be for indefinite period.

7. The petitioners have already crossed the age beyond 60 years and as such they cannot be allowed to perform the function of Lambardars beyond 60 years. The order impugned whereby the petitioners have been dismissed on account of being unfit to discharge the duties of Lambardars has been passed without affording any opportunity of hearing to the petitioners, but, remanding the matter back to respondent No.2 (Deputy Commissioner, Kathua) would be an exercise in futility as the petitioners cannot be permitted to work as Lambardars beyond 60 years.

8. In view of above, the present petitions are disposed of by directing the respondents to hold the election for the post of Lambardars of villages Roulka, Dandroon, Killore and Koti respectively within a period of three months from the date of receipt of copy of this order and till then the private respondents are allowed to continue as Lambardars and no further extension be granted to them beyond the period mentioned above.

9. Accordingly, both these petitions are **disposed** of along with connected CM(s) if any.

(RAJNESH OSWAL)
JUDGE

Jammu
08.08.2025
Madan Verma-Secy

Whether the order is speaking: Yes.
Whether the order is reportable: No.

