

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

Reserved on: 31.05.2025
Pronounced on: 08.08.2025

WP(C) No. 811/2023
CM No. 1949
c/w
WP(C) No. 3158/2023
CM No. 7658/2023

WP(C) No. 811/2023

Prem Lal age- 70 years
S/O Sh. RoopSain,
R/O W.No.6, near Govt.
Primary School Naloand Bani,
Kanthal, Tehsil Bani, Distt.
Kathua. Appellant(s)/Petitioner(s)

Through: Mr. Jagpaul Singh, Advocate.

vs

1. Union Territory of J&K through
Commissioner-Secretary to the
Government, Revenue Department,
Civil Secretariat, Jammu.
2. Deputy Commissioner, Kathua
3. Tehsildar, Bani, Distt. Kathua
4. AdarshLalhal S/O Madho Lal,
R/O Village Kanthal, Tehsil Bani,
District Kathua

..... Respondent(s)

Through: Mrs. Monika Kohli, Advocate.

WP(C) No. 3158/2023

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

Prem Lal, age- 70 years, S/O
Shri Roop Sain, R/O W.No. 6,
near Govt. Primary School
Naloand Bani, Kanthal, Tehsil
Bani, District Kathua.

Through : Mr. Jagpaul Singh,
Advocate

Vs.

1. Union Territory of Jammu & Kashmir through Commissioner-cum-Secretary to the Government, revenue Department, Civil Secretariat, Jammu.
2. Deputy Commissioner, Kathua.
3. Assistant Commissioner (Rev), Kathua
4. Tehsildar Bani, District Kathua
5. Adarsh Lalhal S/O Madho Lal, R/O Village Kanthal, Tehsil Ban, District Kathua.

...Respondents

Through: Ms. Monika Kohli, Sr. AAG

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

JUDGMENT

1. The petitioner who is 70 years of age has filed these two petitions, i.e., WP(C) No.811/2023 for quashing the communication dated 03.03.2023 addressed by Tehsildar Bani, Distt. Kathua (respondent No.3) to Deputy Commissioner, Kathua (respondent No.2) to the extent of temporary engagement of the respondent No.4 as Lambardar of village Kanthal, Tehsil Bani, District Kathua and for commanding the official respondents to allow the petitioner to continue as

Lambardar of village Kanthal, Tehsil Bani, District Kathua till the elections for the post of Lambardar of village Kanthal are held under the provisions of Rule 14 of the Jammu & Kashmir Lambardari Rules, 1980; and WP(C) No.3158/2023 has been filed by the petitioner for quashing order dated 24.02.2023 issued by respondent No.2-Deputy Commissioner, Kathua whereby the petitioner has been dismissed from the post of Lambardar of village Kanthal, Tehsil Bani, District Kathua. In this petition also, the petitioner has sought quashing of communication dated 03.03.2023 which has already been impugned by the petitioner in the earlier writ petition being WP(C) No. 811/2023.

2. It is stated that the petitioner was appointed as Lambardar in the year 1987 and continued to perform his duties till 2023 when he came across a communication dated 03.03.2023 addressed by the Tehsildar Bani (respondent No.3) to Deputy Commissioner, Kathua (respondent No.2) whereby the private respondent has been appointed as Lambardar and thereafter the petitioner came to know that he has been dismissed from the post of Lambardar in terms of order dated 24.02.2023. The petitioner has impugned the order of his dismissal from the post of Lambardar on the ground that no opportunity of hearing was afforded to him before passing the order impugned. The temporary appointment of private respondent as Lambardar has been assailed by the petitioner on the ground that the same is contrary to the Jammu & Kashmir Lambardari Act and Rules framed thereunder.

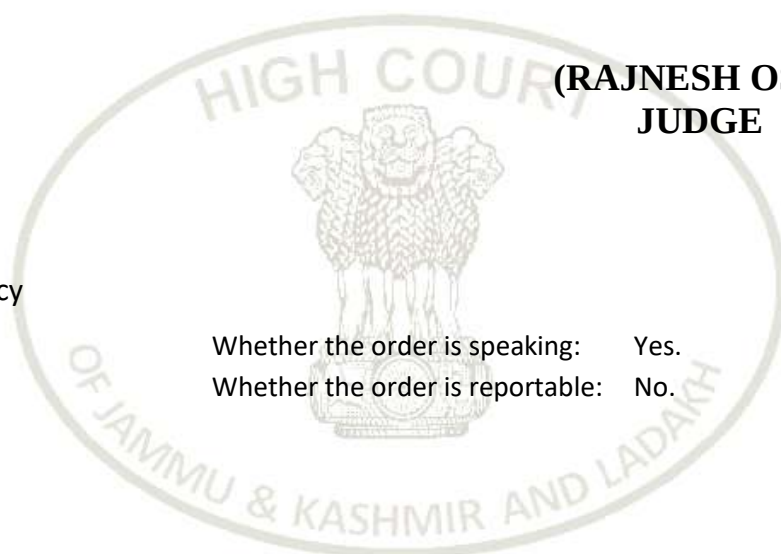
3. The respondents have filed the response in WP(C) No.811/2023 stating therein that the petitioner has been dismissed by the competent authority in accordance with Rule 9(1)(d) of J&K Lambardari Rules 1980 and as such there is no violation of Rule 16(5) J&K Lambardari Rules 1980. It is further stated that the appointment of private respondent has been made purely on temporary basis for a period of six months only subject to confirmation by the competent authority and the same was made after dismissal of the petitioner by the competent authority.
4. Heard learned counsel for the parties and perused the record.
5. These petitions are pending before this Court for the last about two years and temporary appointment of private respondent was made only for a period of six months. 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 the Lambardar, who is appointed as Lambardar other than by election to continue as Lambardar till elections are held. In terms of Rule 16, a Lambardar can hold the post for a period of 5 years or till the age of 60 years. The petitioner has already crossed the age of 70 years and as such he cannot be allowed to perform the function of Lambardar. The order dated 24.02.2023 whereby the petitioner along with other Lambardars has been dismissed on account of being unfit to discharge the duties of Lambardar has been passed without affording any opportunity of hearing to the petitioner, but, remanding the matter

back to respondent No.2 would be an exercise in futility as the petitioner cannot be permitted to work as Lambardar beyond 60 years.

6. Be that as it may, the present petitions are **disposed** of by directing the respondents to hold the election for the post of Lambardar of village Kanthal, Tehsil Bani, District Kathua within a period of three months from the date copy of this order is made available to the official respondents and order of dismissal shall have no civil consequence so far as the petitioner is concerned.

7. These petitions are **disposed** of along with connected CM(s).

Jammu
08.08.2025
Madan Verma-Secy



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