

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**COCP no.1974 of 2014(O&M)
Date of Decision :14.09.2015**

Sudershan Kumar

....Petitioner(s)

Versus

Joginder Singh and another

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Vineet Chaudhary, Advocate for the petitioner

Mr.Ranjit Saini, Advocate for respondent no.1

Mr. Satbir Rathore, Advocate for respondent no.2.

MAHESH GROVER, J.

The petitioner alleges contempt against respondent no.1 whose appointment as Lambardar was set aside on a writ petition preferred by him. It was specifically held by the writ Court that appointment of respondent no.1 was erroneous as he was 75 years of age and his appointment was thus contrary to the law laid down by the Hon'ble Supreme Court. Respondent no.1 then carried the order of the writ Court in appeal where it was observed by the LPA Bench that while re-considering the matter the competent authority shall evaluate the merit and appoint a suitable person as Lambardar unmindful of the findings recorded by the writ Court. Evidently the order of the writ Court setting aside the appointment of respondent no. 1 as Lambardar was not interfered with and

neither was the direction of remand to the competent authority for a decision afresh. The only thing that the LPA Bench did was to erase the observation pertaining to the age of respondent no.1 as an impediment for his consideration to the post of Lambardar.

Reconsideration is still pending before the competent authority but in the meantime, respondent no.1 has gone on to discharge his functions as a Lambardar even though his appointment has been clearly set aside by the writ Court and affirmed by the LPA Bench.

Respondent no.1 does not dispute the fact that he has attested mortgage deeds and continues to proclaim himself to be a Lambardar contrary to the directions of the Court which has specifically set aside his selection. He also went on to claim the honorarium for one month admissible to Lambardar. It is only after the intervention of the Tehsildar that the said honorarium was returned. The fact remains that respondent no.1 does not deny that he has functioned as a Lambardar despite the orders of this Court. He cannot plead ignorance because the orders were passed in his presence and the observations of the LPA Bench came on an appeal preferred by him. Evidently the action of respondent no.1 clearly smacks of defiance and disobedience of the orders of this Court. He is, thus, held guilty of contempt of Court.

At this stage, learned counsel for respondent no.1 submits unqualified apology and pleads that respondent no.1 is almost 80 years of age.

This Court then instead of visiting any consequences of imprisonment upon the respondent no.1, decides to impose a fine of Rs.5,000/- upon him. Let the fine be deposited before the Govt. Treasury within a period of two months from today.

Disposed of.

September 14, 2015
rekha

(Mahesh Grover)
Judge