

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

CWP No.4339 of 2014
Date of Decision: 15.09.2015

Manohar Lal

. . . .Petitioner

Versus

State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.A.K. Bhardwaj, Advocate,
for the petitioner.

Mr.Rajesh K. Sheoran, Addl. A.G. Haryana.

Mr.Shailendra Jain, Sr. Advocate, with
Mr.Bhagender, Advocate,
for respondent No.4.

Mr.Vineet Chaudhary, Advocate,
for respondent No.5.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has challenged the appointment of respondent No.4 to the office of Nambardar, which became available after the death of Sujan Singh.

The petitioner, a retired Junior Engineer, applied for the office of Nambardar with many others. The Collector appointed respondent No.4 and his decision has been upheld on 18.5.2011 by the Commissioner in appeal and by the Financial Commissioner on 11.3.2013 in revision.

Learned counsel for the petitioner has vehemently argued that the name of respondent No.4 was added in the proceedings, initiated by Naib Tehsildar and referred to the zimini

orders. It is also argued that respondent No.4 is not the resident of the village of which the Nambardari is in issue but has the property in the said village.

On the other hand, learned counsel for the respondents has submitted that the residence of the candidate in the same village is not required as the only requirement is of ownership of land in the concerned estate. It is also submitted that the alleged addition of the name of respondent No.4 in the zimini orders, as alleged, would not make any difference as respondent No.4 has pursued his application on the basis of which he has been appointed as Nambardar by the Collector after considering the *inter se* merit of all the candidates. Lastly, it is submitted that it is the choice of the Collector, which may not be disturbed until and unless any perversity is found.

Having heard learned counsel for the parties and considering their rival contentions, I am of the considered opinion that the appointment of respondent No.4 by the Collector has been maintained and upheld by the Commissioner and Financial Commissioner as no perversity has been found in his appointment. The mere fact that respondent No.4 is alleged to be a resident of village other than the one in which his land is situated of which he has been appointed as Nambardar would not come in his way and the argument of the alleged addition of the name of respondent No.4 in the zimini orders by the Naib Tehsildar before whom the proceedings had initiated would not be of any consequence as respondent No.4 had pursued his application, being one of the contestant, for the appointment of Nambardar.

Thus, in view thereof, I do not find any merit in the present petition and the same is hereby dismissed.

15.09.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**