

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

CWP No. 4588 of 2015 (O&M)

Date of decision: 10.07.2015

Ram Pal

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. R.S. Arya, Advocate for the petitioner.

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**Jitendra Chauhan, J. (Oral)**

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks quashing of the order dated 21.04.2014 (Annexure P-3), passed by respondent No.1, order dated 21.11.2013 (Annexure P-2), passed by respondent No.2 and the order dated 05.01.2012 (Annexure P-1), passed by respondent No.3.

The brief facts of the case are that the post of Lambardar stood vacant on account of death of earlier Lambardar, namely Bhartu Ram. Thereafter, the Collector accorded sanction to fill up the said post of Lambardar out of general category. The process was started, munadi got effected in the village and in pursuance thereto, only 16 applications were received. Out of 16 candidates, only four including the present petitioner appeared and the remaining were

proceeded against ex parte. The revenue officer sent the file to respondent No.3 with the recommendation of name of respondent No.4 for appointment of Lambardar and he was appointed as such, vide order dated 05.01.2012 (Annexure P-1). Aggrieved against the said order, the petitioner and respondent Nos. 5 and 6 preferred separate appeals, which were dismissed, by virtue of common order dated 21.11.2013 (Annexure P-2). The petitioner also filed ROR No. 249 before respondent No.1 but the same was also dismissed, upholding the order passed by respondent Nos. 2 & 3, by way of order dated 21.04.2014.

It is contended that the impugned orders deserve to be quashed being perverse, illegal and arbitrary in nature. The petitioner is an educated person and is suitable candidate for the post of Lambardar. The authorities have wrongly appointed the respondent No.4 on the post of Lambardar, ignoring the fact that there is a criminal case pending against respondent No.4. The petitioner is the real grandson of earlier Lambardar, namely Bhartu Ram and the petitioner used to help him in his work. The petitioner is well conversant with the working of Lambardar, therefore, the orders appointing the respondent No.4 as Lambardar, deserve to be quashed.

Heard.

Perusal of the record would reveal the respondent No.4

had been appointed on the post of Lambardar after adopting due procedure. The process to fill up the post of General Class Lambardar was initiated, munadi was got effected; out of total 16 applications, only four persons were appeared including the petitioner. Thereafter, the competent authority, after considering the entire record of the candidates, appointed respondent No.4 on the post of Lambardar, being an eligible candidate then other candidates. The learned Financial Commissioner has rightly held that no person can be deprived to be appointed as Lambardar merely on the ground of registration of criminal case. Therefore, this Court feels that there is no perversity or illegality in the impugned order dated 21.04.2014 (Annexure P-3), passed by respondent No.1, order dated 21.11.2013 (Annexure P-2), passed by respondent No.2 and the order dated 05.01.2012 (Annexure P-1), passed by respondent No.3.

In **Ashok Kumar Vs. Sita Ram**, 2001(1) Apex Court Journal 681, it has been held as under:-

*“The question that remains to be considered is whether the High Court in exercise of writ jurisdiction was justified in setting aside the order of the Appellate Authority. The order passed by the Appellate Authority did not suffer from any serious illegality, nor can it be said to have taken a view of the matter which no reasonable person was likely to take. In that view of the matter there was no justification for the High Court to interfere with*

*the order in exercise of its writ jurisdiction. In a matter like the present case where orders passed by the Statutory Authority vested with power to act quasi-judicially is challenged before the High Court, the role of the Court is supervisory and corrective. In exercise of such jurisdiction the High Court is not expected to interfere with the final order passed by the Statutory Authority unless the order suffers from manifest error and if it is allowed to stand it would amount to perpetuation of grave injustice. The Court should bear in mind that it is not acting as yet another Appellate Court in the matter. We are constrained to observe that in the present case the High Court has failed to keep the salutary principles in mind while deciding the case.”*

Accordingly, the present petition is hereby dismissed in limine.

10.07.2015

*ashok*

**(JITENDRA CHAUHAN)**  
**JUDGE**