

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

Date of decision:20.04.2015.

Naresh Kumar

.....Petitioner

v.

The Collector,Sonepat and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Ashok Vema,Advocate for the petitioner.

Jaswant Singh,J.(Oral)

Petitioner, an unsuccessful aspirant for the office of Lambardar in Village Bighal,Tehsil Gohana, District Sonepat, in the present petition under Articles 226/227 of the Constitution has laid challenge to the order dated 22.12.2011(P-4) passed by Collector Sonepat whereby Suraj Bhan-respondent no.4 was appointed as Lambardar. Further challenge is to the orders dated 20.12.2013(P-5) and 29.8.2014(P-6) passed by Commissioner and Financial Commissioner respectively whereby the appeal and revision filed by the petitioner was dismissed.

It is submitted that Collector,Sonepat while appointing respondent no.4 as Lambardar has wrongly noticed that petitioner lives out of the village for earning his livelihood and therefore would not be able to spare that much time for getting the work of the people done.

It is averred that petitioner is a permanent resident of Village and running a tailor shop under the name and style of N.K.Tailors and as such he is more meritorious than the selected candidate-respondent no.4 (Suraj Bhan).

After hearing the learned counsel and perusing the impugned orders, I find no merit in the present writ petition.

A perusal of the impugned orders dated 20.12.2013(P-5) and 29.8.2014(P-6) passed by Commissioner and Financial Commissioner respectively show that the argument now sought to be raised was not raised in appeal or revision filed by the petitioner. As regards the order dated 22.12.2011(P-4) passed by Collector, Sonapat whereby Suraj Bhan-respondent no.4 was appointed as Lambardar is concerned, it was noticed that Suraj Bhan was a better candidate than others because apart from being young and educated he used to live in the village whereas the other candidates were living out of village for earning their livelihood and thus would not be able to spare much time for the welfare of the villagers.

The contention that the petitioner is running a tailor shop in the same village and therefore, the findings that he is not available in the village is liable to be rejected, would be of no help to the petitioner. First of all except producing a self serving certificate issued by the Sarpanch stating that the petitioner is resident of Village Bighal, the petitioner has produced no other proof of his residence e.g. Voter card, ration card etc., to support his plea that he is a resident of Village

Bighal since his birth. Secondly, assuming that he is engaged in tailoring in the said tailor shop, it cannot be denied that he would still not be available for the villagers to go to Tehsil office etc. since it would be difficult for him to leave his shop. Therefore, the findings recorded that Suraj Bhan is a better candidate cannot be held to be perverse so as to warrant interference by this Court in exercise of its jurisdiction under Article 226/227 of the Constitution.

Dismissed.

20.04.2015.
joshi

(Jaswant Singh)
Judge