

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

LPA No.274 of 2015 (O&M)  
Date of Decision:- 09.07.2015.

Angrej Singh

.....Appellant

Versus

State of Haryana and others

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Vikram Singh, Advocate for the appellant.

Mr. Naveen Kaushik, Additional A.G. Haryana.

Mr. Arun Sharma, Advocate for respondent No.4.

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**SURYA KANT, J. (ORAL)**

1.) This Letters Patent Appeal impugns the order dated 06.08.2009 whereby learned Single Judge has dismissed the writ petition in a matter of appointment of Lambardar of village Pabana Hassanpur, Tehsil Assandh, District Karnal.

2.) The post of Lamberdar of General category fell vacant as a result of death of the then Lambardar, Narinder Nath. Three candidates remained in the fray, out of whom the Collector, vide order dated 15/19.01.2007, appointed the appellant.

3.) On an appeal filed by respondent No.4, the Commissioner, Rohtak Division set aside the appointment of appellant and directed the Collector to hold a fresh proclamation for inviting applications and then decide the case on merits.

4.) The appellant filed a revision petition which was dismissed by the Financial Commissioner, Haryana vide his speaking order dated 11.05.2009.

5.) Learned Single Judge has also dismissed the appellant's writ petition and upheld the above mentioned orders of the Commissioner and Financial Commissioner, respectively.

6.) It may be mentioned at this stage that the Commissioner interfered with the choice of Collector and set aside the appellant's appointment after noticing the following facts:-

(i) The father of the appellant had encroached upon the land of religious place (mosque).

(ii) The appellant was guilty of filing false affidavit to the effect that he was B.A. pass whereas no such certificate was produced by him despite opportunity.

7.) It may also be mentioned here that the report regarding encroachment of the mosque land was made by the Naib Tehsildar but the Collector, for the reasons best known to him, proceeded to appoint the appellant ignoring the material facts on record. In these circumstances, the Commissioner rightfully inferred that the choice of the Collector was not based upon merits.

8.) The Commissioner further held that the post of Lambardar be filled up after giving vide publicity so that best of the candidates come forward.

9.) The learned Single Judge having upheld the findings returned by the Commissioner and the Financial Commissioner, we are satisfied that no case to interfere with the impugned order is made out.

10.) Dismissed.

**(SURYA KANT)  
JUDGE**

**(P.B. BAJANTHRI)  
JUDGE**

**July 09, 2015.**

*sandeep sethi*