

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.330 of 2015 (O&M)
Date of Decision: April 06, 2015

Satbir

.....Appellant

versus

State of Haryana and others

.....Respondents

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

Present:Mr.P.K.Chugh, Advocate, for the appellant.

-:-

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?*

Surya Kant, J. (Oral)

The instant letters patent appeal impugns the order dated 13.01.2015 whereby learned Single Judge has declined to interfere with the order of the Commissioner, Gurgaon Division, as well as the Financial Commissioner, Haryana, appointing respondent No.4 as Lambardar of village Makalwas, District Gurgaon, against the post reserved for Scheduled Caste category.

The only objection taken against the eligibility of respondent No.4 was that he was not a permanent resident of village Makalwas and in fact was living in village Bhora-kalan which is three kilometers away from village Makalwas. The aforesaid factual issue was got re-verified after the Commissioner remanded the case and it stood established on record that respondent No.4 is actually a resident of village Makalwas and his name is duly included in the voter list as well

as ration card of the village. Further, he also studied in the School at Makalwas.

The other relevant factor taken into consideration is that respondent No.4 has been found more meritorious than the appellant. It was for this reason that the learned Single Judge has declined to interfere with the order passed by the Commissioner and the Financial Commissioner, respectively.

It may be true that ordinarily the choice of the Collector should prevail. The learned Single Judge as well as the Revenue Authorities have given valid reasons as to why interference in the order of the Collector was warranted. As noticed earlier, candidature of respondent No.4 was turned down on the basis of a non-existent fact. He is actually resident of village Makalwas, younger in age and possesses better academic qualifications than the appellant. If the order of the Collector were to sustain, it would be travesty of justice as the claim of a meritorious person stands defeated. Interference in such like cases is fully justified.

No case to interfere with the order passed by learned Single Judge is made out.

Dismissed.

[SURYA KANT]
JUDGE

April 06, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE

CM No.1061 of 2015 in
LPA No.330 of 2015

- - -

Satbir vs. State of Haryana and others

Present : Mr.P.K.Chugh, Advocate,
for the applicant-appellant.

* * *

For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and the
document (Annexure A-2) is taken on record.

CM stands disposed of.

(SURYA KANT)
JUDGE

April 06, 2015
mohinder

(P.B.BAJANTHRI)
JUDGE