

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

LPA No. 501 of 2015 (O&M)

DATE OF DECISION : 31.03.2015

Satish Kumar

.... APPELLANT

Versus

The Financial Commissioner, Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Sarvjit Singh Khurana, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 21.02.2014 passed by the learned Single Judge, whereby the writ petition (CWP No.1607 of 2012) filed by the appellant challenging the appointment of Vikram Singh (respondent No.4) as Lambardar of village Khaleta, District Rewari, has been dismissed.

Though there is delay of 315 days in re-filing the instant appeal and the appellant has filed an application (CM No. 1017-LPA of 2015) for condoning the delay, yet we have heard learned counsel for the appellant on merits and have gone through the order passed by the learned Single Judge.

In this case, five candidates applied for appointment as Lambardar of the aforesaid village. After completing all the formalities and

providing an opportunity of hearing to all the candidates to lead evidence in support of their candidature, the District Collector, Rewari, vide order dated 25.02.2009 (Annexure P-3) appointed respondent No.4 as Lambardar of the village, while making the following observations :-

“After duly hearing all the candidates and perusing the record, I have come to the conclusion that candidate Ramniwas is much younger in age. Satish Kumar candidate and his family have illegal possession over the panchayati land and shamlat land. He is not of clear image. Cases have been registered under various sections of the I.P.C and remain confined in the jail. He remained involved in the electricity theft case. He does not belong to the patti of the deceased Nambardar and there is no land in the name of the candidate. In this way he is landless. He is of quarrelsome nature. In this way Vikram Singh candidate is most eligible candidate for nambardari among all the candidates. He is of clean image, he has good relation in the village, he is member of the red cross Society. The father of the candidate is retired from the Indian Army and two brothers are employed in the Indian Army. Therefore Sh. Vikram Singh son of Sh. Tara Chand resident of village Khaleta is appointed as nambardar in place of deceased Hanuman Singh Nambardar.”

The said order was upheld by the Commissioner, Gurgaon Division, Gurgaon, as well as the Financial Commissioner, Haryana. The learned Single Judge has also upheld those orders while observing that there is no illegality in the appointment of respondent No.4 as Lambardar of the village by the revenue authorities.

Learned counsel for the appellant argued that subsequently, under the Right to Information Act, 2005, the appellant has been informed

that there is no material on record with regard to merits and de-merits of the candidates. According to him, the information, on the basis of which the aforesaid orders were passed by the revenue authorities, which have been upheld by the learned Single Judge, is wrong.

The aforesaid contention is totally without any substance. During the course of arguments, when it was specifically asked to learned counsel for the appellant as to whether actually the observations made in the orders passed by the revenue authorities can be denied by the appellant by way of affidavit, he expressed his inability. In our opinion, the District Collector, after duly applying his mind, passed the order appointing respondent No.4 as Lambardar of the village, which was affirmed by the appellate as well as the revisional authorities. Now, at this stage, the appellant cannot be permitted to argue that he is more meritorious, because there is no adverse material available on record. This argument was never raised before the authorities below, and the learned Single Judge has rightly upheld the orders passed by the revenue authorities.

Consequently, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

March 31, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE