

Civil Writ Petition No. 14538 of 2016
Civil Writ Petition No. 14539 of 2016

1

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

Civil Writ Petition No. 14538 of 2016
Date of Decision: 25.7.2016

Harminder Singh and another

.....Petitioners

Vs.

The State of Punjab and others

.....Respondents

Civil Writ Petition No. 14539 of 2016

Harminder Singh and another

.....Petitioners

Vs.

The State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr.G.S. Punia, Sr. Advocate with
Ms. Harveen Kaur, Advocate
for the petitioners.

Mr. Jasjit Singh, Advocate
for the caveator.

RAMESHWAR SINGH MALIK J. (ORAL)

These two identical writ petitions bearing CWP Nos. 14538 and 14539 of 2016 are being decided together vide this common order, as both these petitions are against the same impugned order passed by the Financial Commissioner creating two more posts of Lambardar, one for Scheduled Caste and another for General Category.

Learned senior counsel for the petitioners submits that right from the year 1943, only one Lambardar had been performing duties for the entire population of the village. He further submits that since it was a small village, no necessity was felt for creating additional posts of Lambardar. When such demand was raised by the residents of the village, same was declined by the authorities concerned in the year 1983 vide Annexure P-3. He concluded by submitting that since the respondent authorities have failed to appreciate the true fact situation while passing the impugned orders, the same are liable to be set aside. He prays for setting aside the impugned orders, by allowing both these writ petitions.

After hearing learned counsel for the petitioners at considerable length, careful perusal of record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that the impugned orders have since not been found suffering from any patent illegality or perversity, same deserve to be upheld and both the writ petitions are liable to be dismissed.

It has gone undisputed before this Court that since the year 1943, only one Lambardar, presently the petitioner, had been working in the village. It cannot be denied that since 1943 till date, population of the

village would have increased manifolds.

During the course of the hearing, learned senior counsel for the petitioners could not point out any prejudice which might have been caused to the petitioners, by passing of the impugned orders, creating one additional post for Scheduled Caste and another post for General Category. Further, it is the job of the revenue authorities to assess the requirement of number of posts of Lambardar in any particular village.

It is also not pleaded or argued case on behalf of the petitioners that any provision of law has been violated by the respondent authorities, while passing the impugned orders. If additional posts of Lambardar have been created, as per norms, strictly following the relevant provisions of law, no fault can be found with the orders passed by the revenue authorities. In fact, in such a situation, petitioners would not have any locus standi to oppose the creation of any additional post/s of Lambardar.

At this stage, learned senior counsel for the petitioners points out that the Commissioner, Patiala Division, vide his earlier order dated 24.8.2015 (Annexure P-7), declined the request to create additional posts of Lambardar pointing out that there was no such requirement. Even if it is accepted, such order would not be a bar to reconsider the matter in the larger interest of the villagers, particularly when it does not cause any kind of prejudice to the petitioners.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that both the writ petitions are wholly misconceived, bereft

Civil Writ Petition No. 14538 of 2016
Civil Writ Petition No. 14539 of 2016

4

of merit and without any substance, thus, these must fail. No case for interference has been made out.

With the abovesaid observations made, both the writ petitions stand dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

25.7.2016
Ak Sharma

Whether speaking/reasoned/non-speaking

Whether reportable: Yes/No