

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

Civil Writ Petition No. 7150 of 2015

Date of Decision: 29.8.2016

Satnam Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Aman Bansal, Advocate
for the petitioner.

Mr. Yatinder Sharma, Additional A.G. Punjab.

Mr. Rajesh Sehgal, Advocate
for respondent No.3.

RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the order dated 28.11.2014 passed by the Financial Commissioner, Punjab, whereby revision petition filed by respondent No.3 was allowed, setting aside the order passed by the Collector appointing the petitioner as Lambardar.

Notice of motion was issued and in compliance thereof, reply has been filed by contesting respondent No.3.

During the course of hearing, petitioner as well as respondent No.3, who are present in Court, have fairly conceded that petitioner is 62

years old whereas respondent No.3 is 74 years old.

In view of the abovesaid undisputed fact situation, neither the petitioner, nor respondent No.3 has been found suitable for appointment to the post of Lambardar, primarily on the ground of their age. In such a situation, instead of appointing respondent No.3, who is 74 years old, the Financial Commissioner ought to have directed to start *de novo* process for filling up the post of Lambardar. Having said that, this Court feels no hesitation to conclude that since the Financial Commissioner failed to consider this material aspect of the matter, while passing the impugned order, the same cannot be upheld.

It goes without saying that in view of the law laid down by the Supreme Court in **Mahavir Singh Vs. Khiali Ram and others, 2009 (3) SCC 439**, age is one of the relevant considerations in the matter of appointment of Lambardar. The Hon'ble Supreme Court has found a person of 62 years of age not suitable for appointment to the post of Lambardar in comparison to the candidate who was 36 years of age.

As noticed above, respondent No.3, who has been appointed as Lambardar vide the impugned order passed by the Financial Commissioner, is already 74 years of age and the petitioner has also attained age of 62 years. In this view of the matter, it can be safely concluded that since the Financial Commissioner has failed to consider the age of both these candidates at the time of passing the impugned order, the same cannot be upheld for this reason also.

No other meaningful argument was raised on behalf of either of sides.

Considering the peculiar facts and circumstances of the case

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authenticity of this document

noted above, coupled with the reasons aforementioned, this Court is of the considered view that the impugned order has been found patently illegal and the same is liable to be set aside. Accordingly, impugned order 28.11.2014 (Annexure P-3) passed by the Financial Commissioner, Punjab, is hereby set aside. Neither the petitioner nor respondent No.3 has been found suitable candidate for the post of Lambardar because both are senior citizens. Consequently, Collector, Moga, is directed to start *de novo* process for filling up the post of Lambardar inviting fresh application, strictly in accordance with law.

Resultantly, with the abovesaid observations made and directions issued, present writ petition stands disposed of, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

29.8.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No