

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.251 of 2016
Date of Decision:-4.4.2016.

Amar Singh

.....Appellant

Versus

Financial Commissioner, Revenue and others

.....Respondents

**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. Arun Yadav, Advocate for the appellant.

SURYA KANT, J. (ORAL)

- 1.) The instant Letters Patent Appeal assails the order dated 18.09.2015 whereby learned Single Judge had declined to interfere with the order dated 26.3.2014 passed by Financial Commissioner, Haryana in the matter of appointment of Lamberdar of Scheduled Caste reserved category of Village Lisan, Tehsil and District Rewari.
- 2.) The question that arose for consideration of the Financial Commissioner was whether the Collector, Rewari gave ample and fair opportunity to all the aspirants to apply for the post of Lamberdar? The learned Financial Commissioner held as a matter of fact that no *munadi* was conducted on 9.6.2009. For arriving at this

conclusion, learned Financial Commissioner found that the *Parwana* for effecting proclamation was prepared by the Assistant Collector IInd Grade on 9.6.2009 and it was addressed to the Field Kanungo. The office of Kanungo is located at Dahina which is 22 kilometers away from Rewari i.e. the office of Assistant Collector IInd Grade. From the office of the Kanungo, the order of proclamation was to be delivered in the office of Patwari which was further away from Village Dahina. After reaching to the office of Patwari only, that the Chowkidar of the village could be asked to carry out the *munadi* after obtaining endorsement from the Sarpanch and Panches. As the entire procedure could not be possibly completed in one day on 9.6.2009, learned Financial Commissioner accepted the allegation made by Parkash Chand-respondent No.5 that the actual *munadi* was conducted only on the last date of submitting applications i.e. 29.6.2009. Thus, several aspirants could not apply for the subject post.

3.) Learned Single Judge has also independently examined the above mentioned finding of fact and confirmed the same.

4.) It may be mentioned here that Parkash Chand-respondent No.5 challenged the validity of the *munadi* even before appointment of the appellant as Lambardar. The appellant was appointed as Lambardar on 30.10.2012 during pendency of those proceedings. Since the very initiation of selection process has been found to be defective, learned Single Judge has rightly observed that

the appellant cannot take advantage of his subsequent appointment during pendency of such proceedings.

5.) In the light of the above stated finding of fact, we do not find any ground to interfere with the order passed by learned Single Judge except to observe that the appellant shall be entitled to compete in the fresh selection process in accordance with law.

6.) Dismissed.

**(SURYA KANT)
JUDGE**

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

April 4, 2016.

sandeep sethi