

In the High Court of Punjab and Haryana at Chandigarh.

**1. CWP-1464 of 2015
Decided on 11.7.2017**

Jagir Singh

--Petitioner

Vs.

State of Punjab and others

--Respondents

2. CWP-1535 of 2015

Jagir Singh

--Petitioner

Vs.

State of Punjab and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.P.K.Bansal, Advocate, for the petitioner(s)

Mr.Suvir Sheokand, Addl.A.G.Punjab

Mr.C.M.Munjal, Advocate,for respondent No.4.

Mr.O.P.Kamboj, Advocate, for respondent No.8.

Rakesh Kumar Jain,J: (Oral)

This order shall dispose of two petitions bearing

C.W.P.No.1464 of 2015 titled as Jagir Singh Vs. State of Punjab and others and C.W.P.No.1535 of 2015 titled as Jagir Singh Vs. State of Punjab and others as common questions of law and facts are involved. However, facts are extracted from CWP No.1464 of 2015.

This petition is filed to challenge the validity of the order dated 14.5.2013 passed by respondent No.1 by which order of the Commissioner, Ferozepur Division, Ferozepur, has been set aside.

In short, applications were invited for filing the post of Lambardar of village Prabhat Singh Wale Uttar, Tehsil Jalalabad, District Ferozepur.

The Naib Tehsildar affected proclamation by way of munadi in the village so that interested candidates may apply for the said post. Seven applications were filed pursuant to the munadi/proclamation and Naib Tehsildar prepared naksha Lambardari. After about one and half month, the present petitioner and others also filed their applications for consideration for the said post but the same were rejected on the ground of delay.

Learned counsel for the petitioner has submitted that there was no valid proclamation effected in the village, therefore, he was deprived of his valuable right. He relied upon the affidavit of the Chowkidar Shingara Singh, who stated that he did not make any proclamation and the Patwari might have taken his thumb impression regarding the proclamation done in the village by him.

Learned Collector dismissed the appeal of the petitioner on the ground that he did not mention in his application moved before the Tehsildar that no publication had been made in the village and it was

mentioned that he could not know about the publication made in the village and could not know about the vacancy.

The Commissioner, Ferozepur, however, reversed the order of the Collector but the said order was further reversed by the Financial Commissioner.

I have heard learned counsel for the petitioner who has reiterated his stand taken before the authorities below on the strength of the affidavit of the Chowkidar.

Learned counsel for the respondents have, however, submitted that the affidavit appears to have been procured because had there been no proclamation in the village, then the petitioner would have first mentioned this fact in his application moved before the Tehsildar for being considered. In the absence of any such plea, the affidavit of the Chowkidar is a procured one and designed to thwart the proceedings for appointment of Lambardar.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that there is no merit in this petition as the petitioner did not take the plea of non publication of proclamation in the village for filling of the vacancy of Nambardar when he had applied for his candidature to the Naib Tehsildar.

Learned counsel for the respondents is correct in his argument that had there been no proclamation, then the first objection of the petitioner would have been in his application that he has been deprived of his valuable right from applying for the post of Lambardar only because of non publication of the vacancy. Thus, I am of the considered view that there is no merit in this petition as the affidavit of the Chowkidar appears to be procured by the petitioner.

In view of the above discussion, these petitions are hereby dismissed.

11.7.2017
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No