

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

CWP No.14041 of 2017

Date of Decision:03.07.2017

Sukhdev Singh

.....Petitioner

vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Jaswinder Singh Grewal, Advocate for the petitioner.

Rakesh Kumar Jain (Oral)

This petition is filed to assail the validity of the order dated 01.06.2016 passed by the District Collector-cum-Deputy Commissioner, Ferozepur by which name of respondent No.3 has been proposed for the post of Namberdar of Village Dibb Wala.

Counsel for the petitioner has submitted that the petitioner was appointed as Namberdar in the year 1993 and has been issued the identity card. It is also submitted that he has never been removed from the said post. However, his son, namely, Jatinder Singh filed an application before the District Collector-cum-Deputy Commissioner for appointment of Namberdar by giving wrong facts that the earlier Namberdar Bahal Singh had left the village 25-26 years back and there is no Namberdar of Bari Patti. The said application has been allowed in the absence of the petitioner though it is submitted that in the jamabandi for the year 2013-14, the name of the petitioner is mentioned as Namberdar of Bari Patti.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that the remedy to challenge the order dated 01.06.2016 lies before the Commissioner and not by way of writ petition because writ petition is an extra-ordinary remedy

which can be invoked only when the ordinary remedy under the Act is not available. Consequently, the present petition is hereby disposed of with liberty to the petitioner to file the appeal, if so, advised.

July 03, 2017
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(Rakesh Kumar Jain)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No