

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

**C.W.P. No.16006 of 2017
Date of Decision:24.07.2017**

Bharat Singh	Petitioner
Vs.	
State of Haryana and others	Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Dharmander Singh, Advocate for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed in order to challenge the order passed by the revenue authorities appointing respondent No.5 as Lamberdar of Village Jodhpuria, Tehsil Raina, District Sirsa.

The post of Lamberdar fell vacant on account of death of the previous Lamberdar Manphool Singh and on 06.11.2008, the process of appointment of a new (backward class) Lamberdar was initiated. The petitioner and respondent No.5 were in contest. The Tehsildar, Raina recommended the name of respondent No.5 whereas SDO (Civil), Ellanbad recommended the name of the petitioner to the Collector for the purpose of consideration of appointment as Lamberdar. The Collector, after considering the respective merits of the candidates, found respondent No.5 as most suitable person for the post of Lamberdar and appointed him. The petitioner challenged the order of the Collector before the Commissioner and then Financial Commissioner and, thereafter, approached this Court by way of writ petition alleging that the respondent No.5 is in unauthorised possession of the panchayat land. In this regard, he has referred to jamabandi for the year 2006-2007 in which land measuring 0 kanal 18 marla is recorded as "Gair Mursi" in Column No.8. It is shown in the ownership

of Gram Panchayat but in possession of Manphool Singh. It is submitted that Manphool Singh is the father of respondent No.5, therefore, respondent No.5 is in unauthorised possession. He has also submitted that respondent No.5 is working as B.P.M in the Post Office of the Village on part time, therefore, he would not be available to the villagers.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that merely the fact that the father of respondent No.5 happened to be in unauthorised possession of the Panchayat land would not be a disqualification because there is nothing found on record that respondent No.5 is himself in unauthorised possession of the land of the Panchayat. He may not be responsible for the act of his father. Secondly, the Collector has considered this fact that respondent No.5 is though posted as B.P.M in the Post Office of the Village but still he is more suitable than the petitioner. The third question which has also been raised is that the petitioner does not have land in the village but this aspect has also been considered by the revenue authorities and decided against the petitioner, therefore, there is hardly any reason for this Court to interfere in the concurrent finding of fact especially when there is no perversity in the order.

With these observations, this petition is dismissed.

July 24, 2017
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(RAKESH KUMAR JAIN)
JUDGE

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