

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

CWP No.19717 of 2017

Date of Decision: 1st September, 2017

Ved Pal

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Karan Singh, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed in order to challenge the orders passed by the Collector, Commissioner and Financial Commissioner by which they have remanded the matter back for the purpose of fresh proclamation for inviting the application for the post of Lambardar.

In short, on the death of Rajinder Pal son of Jai Narain, the process of appointment of new Lambardar was started. It is alleged that the process was initiated with the proclamation in the village. The petitioner was the only one who had applied for the said post. His application was considered by the recommending authorities, namely, Assistant Collector 2nd Grade and Assistant Collector 1st Grade. When the matter was placed before the Collector, the private respondents No.4 & 5 made an application that no proclamation was done in the village and the petitioner has filed the application in the clandestine manner. Respondents No.4 & 5 submitted the affidavit of Chowkidar who had stated that he had not made any kind of munadi. The Collector thus passed the order that proclamation be done

again and remanded back the matter. The petitioner challenged the order of the Collector unsuccessfully before both the Commissioner and Financial Commissioner, who upheld the order of the Collector by recording concurrent findings. The petitioner has submitted that the Collector has committed an error in remanded the case only on the basis of the affidavit of the collector though the affidavit of the Sarpanch has also been filed for proclamation.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that there is no merit in the arguments of the counsel for the petitioner because no right has vested in the petitioner as he is not so far been appointed as Lambardar by the Collector. Secondly, the petitioner is the only one, who had applied for the post of Lambardar which also creates a doubt about the alleged proclamation. The affidavit of the Sarpanch cannot be considered over and above the affidavit of the Chowkidar because the person who has to make the proclamation is the Chowkidar and not the Sarpanch and Chowkidar himself has stated that he has not done the proclamation.

In view thereof, there is hardly any merit in the present petition and hence, the same is hereby dismissed.

1st SEPTEMBER, 2017*Vivek***(RAKESH KUMAR JAIN)
JUDGE***Whether speaking/reasoned Yes/No**Whether reportable Yes/No*