

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

**C.W.P. No.25137 of 2015
Date of Decision:28.09.2017**

Bhala Ram @ Hardwari LalPetitioner

Vs.

State of Haryana and othersRespondents

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

Present:- Mr. P.K. Ganga, Advocate for the petitioner.

Mr. Saurab Mohunta, DAG, Haryana.

Rakesh Kumar Jain, J. (Oral)

This matter pertains to appointment of Lambardar of Village Kutiana in the BC Category. The applications were invited upto 12.02.2007. The petitioner was one of the candidates for the said post. The Collector vide his order dated 27.10.2009 appointed serving Patwari as Lambardar. That order was set aside by the Commissioner vide order dated 22.01.2010 but the Financial Commissioner, vide her order dated 24.09.2010, set aside both the orders of the Collector and the Commissioner dated 27.10.2009 and 22.01.2010 respectively and remanded the case back to the Collector to decide the matter again on merits for appointment of suitable person out of applications filed. Thereafter, the Collector, Sirsa passed the order on 07.11.2012, remanding the matter back to the SDO (Civil), Sirsa with a direction him to invite the applications again as he did not find any one of the candidates suitable for the post. The said order was challenged by the petitioner before the Commissioner by way of a appeal but failed. Then he filed a revision before the Financial Commissioner

against the order of the Commissioner dated 10.06.2014 and the Financial Commissioner vide his order dated 13.05. 2015 observed as under:-

“In view of the above, the petition is disposed off with the direction to the Collector that he will not ignore the claim of the petitioner merely on the basis of the fact that he is 7th standard pass as the Rules issued vide notification dated 23.07.2008 by Revenue and Disaster Management provide that the candidates should be literate and preferably middle pass. The petitioner may apply again as and when the proclamation is carried out in the village and Collector, Sirsa is directed to consider the claim of the petitioner alongwith other applicants.”

This order has been challenged by the petitioner, primarily on the ground that it runs contrary to the earlier order of the Financial Commissioner dated 24.09.2010 in which he had directed the Collector to consider the suitable persons from the candidates who had applied at that time.

Mr. Mohunta, appearing on behalf of the respondents, submits that the order of the Financial Commissioner dated 24.09.2010 came to an end with the order passed by the District Collector, Sirsa on 07.11.2012 and a fresh direction has been issued by the Financial Commissioner by order dated 13.05.2015, therefore, the order dated 13.05.2015 is not in contravention to the order dated 24.09.2010 passed by the earlier Financial Commissioner.

I have heard learned counsel for the parties and perused the record and am of the considered opinion that there is no merit in the

present petition because earlier order passed by the Financial Commissioner on 24.09.2010 was only a direction to the Collector to re-consider the matter in regard to the appointment of Lambardar from amongst the candidates who had applied for the said post in pursuance of the advertisement issued on 12.02.2007. After remand, the Collector, Sirsa discussed the candidature of all the candidates but could not find anyone suitable for the appointment to the post of Lambardar and thus issued a fresh direction to the SDO (Civil), Sirsa to re-advertise the post for the purpose of inviting applications of the willing persons for filling up the said post. The said order was unsuccessfully challenged before the Commissioner and when he went before the Financial Commissioner, he allowed the petitioner to apply again as and when proclamation is carried out in the Village in pursuance of the direction issued by the Collector. I do not find any reason to interfere in this petition because the petitioner has been given liberty to apply in view of fresh proclamation and thus his rights are not infringed.

With these observations, the present petition is dismissed.

September 28, 2017
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(RAKESH KUMAR JAIN)
JUDGE

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