

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.25108 of 2016
Date of Decision.14.02.2017

Gurjit Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

Present: Mr. Parneet Singh Baidwan, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned orders (Annexures P-2 to P-4) whereby respondent No.4 has been appointed as Lambardar.

The contention of the petitioner is that he is working as Clerk in the office of SDM, Bassi Pathana, Tehsil Fateharh Sahib. There is no bar for a Government employee for submitting application for appointment as Lambardar. The Assistant Collector and the Collector have not noticed the aforementioned fact whereas the petitioner is having land measuring 7 kanals 12 marlas, aged 45 years, graduate and 120 people from village, 3 Lambardars and President of Municipal Council have given their statements for appointing him as Lambardar. It is sufficient requirement of law. The petitioner has an unblemished service record, thus, he is more meritorious and the opinion expressed in the recommendation is totally erroneous and liable to be set aside.

I have heard learned counsel for the petitioner, appraised the paper book as well as the orders under challenge and of the view that respondent No.4, Ravinder Singh is owner of land of 16 kanals 6 marlas, aged 33 years and is a 12th pass. He is also recommended by the equal

number of residents of the village, much less, 4 Lambardars. Even the Punjab Lambardar Union, District Fatehgarh Sahib has also recommended his name.

The availability of Lambardar is to be seen as one of the essential ingredient for appointment, as the residents of the village of the revenue estate to which he is appointed may need him during working hours for performing sundry duties relating to the office of Lambardar. No doubt, the petitioner is working in the office of SDM, Bassi Pathana and could be available but owing to his pre-occupation, he may not always be available as and when needed for the aforementioned purpose. The person, who is not in government job/full time job, is having sufficient time at his disposal to render services to the locals *viz-a-viz* the petitioner.

The recommendation of the Assistant Collector cannot be faulted with in view of the ratio decidendi culled out by the Hon'ble Supreme Court in **Mahavir Singh Vs. Khiali Ram and others 2009(3) SCC 439.**

In view of the aforementioned, I do not intend to differ with the orders under challenge, much less, no ground for interference is made out. The writ petition is dismissed.

(AMIT RAWAL)
JUDGE

February 14, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No