

CWP No.22133 of 2017

[1]

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

**CWP No.22133 of 2017
Date of decision:27.09.2017**

Ashok Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. R.S.Mann, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

Puran Chand Lambardar (General Category) of village Sultania died on 13.12.2011. In order to fill up the said vacancy, applications were invited by way of proclamation through Chowkidar by the Halqa Patwari. There were five candidates in contest, namely, Richhpal Singh @ Pala S/o Zile Singh, Ishwar Singh S/o Shraf Singh, Jai Kishan S/o Puran Chand, Ashok Kumar S/o Jai Kishan and Subhash Chander S/o Ram Sarup. The SDO(C), Guhla recommended the name of the petitioner for appointment on 20.02.2013 but the Collector, vide his order dated 10.01.2014, appointed Richhpal Singh @ Pala S/o Zile Singh as Lambardar. The petitioner and Jai Kishan (who happens to be father of the petitioner) challenged the order of the Collector by filing two appeals before the Divisional Commissioner. The Divisional Commissioner held that both the appellants, namely, Ashok Kumar and Jai

Kishan were not qualified/eligible for the post of Lambardar because they are related as father and son and Jai Kishan was fined @ ₹10,000/- per hectare per year by the Assistant Collector 1st Class, Guhla, while evicting him from the unauthorized possession of the Gram Panchayat land and both Jai Kishan and the present petitioner were found having a joint ration card. Respondent no.4 Richhpal Singh was also held ineligible as he was also found in unauthorized possession of the Charand land. Accordingly, the Divisional Commissioner found that none of the candidates were eligible to be considered for appointment to the post of Lambardar and, thus, the order of the Collector, appointing Richhpal Singh as Lambardar, was quashed and the matter was remanded back to him to re-start the process of appointment of Lambardar as per rules by getting the applications of eligible candidates after resorting to publication and proclamation.

The order of the Divisional Commissioner was challenged by the petitioner, his father Jai Kishan and Richhpal Singh by filing three separate revision petitions before the Financial Commissioner. The Financial Commissioner discussed each and every fact thoroughly and upheld the order of the Divisional Commissioner by observing that Jai Kishan was in unauthorized possession of the Gram Panchayat land and was ordered to be evicted by the Assistant Collector 1st Grade, Guhla, on 16.04.2007 and no merit was found in the contention of the petitioner that he was living separately from his father as per ration card dated 11.03.2015, which was allegedly prepared by him during the pendency of the proceedings, much-less after the order of the Collector dated 10.01.2014.

Counsel for the petitioner has argued that the petitioner was not in

unauthorized possession of the Gram Panchayat land rather his father was found to be in unauthorized possession. However, it is not denied that at the time when the Collector had passed the order of appointment of Lambardar in favour of Richhpal Singh on 10.01.2014, the petitioner was living with his father Jai Kishan and got prepared the separate ration card only on 11.03.2015, just in order to take the plea that he is separate from his father in mess.

I have heard learned counsel for the parties and examined the available record with their able assistance.

The appointment of Lambardar is regulated by the Punjab Land Revenue Rules (as applicable to Haryana) in which Rule 15 deals with the appointment of Lambardar of General Category in which it is provided that in the matter of appointment of Lambardar, regard shall be had to various matters including the services rendered to the State by himself or by his family. The very fact, that father of the petitioner, namely, Jai Kishan, who himself was a candidate for appointment to the post of Lambardar, had been found to be in unauthorized possession of the Gram Panchayat Land and was ordered to be evicted through the process of law, is sufficient to prove that the petitioner, who was living with his father at the time of filing of application, for the post of Lambardar, was hand in glove with him and it would definitely affect his merits adversely because if the services rendered to the State by the candidate himself or by his family is taken as a positive ground for giving the benefit to the aspiring candidate, then in such type of case, in which father of the petitioner had been found to be in unauthorized possession and has been evicted by the order of the Court, is definitely a circumstance against the petitioner.

Thus, there is hardly any ground to interfere in the impugned orders of the Divisional Commissioner and the Financial Commissioner and hence, the present petition is hereby dismissed being denuded of any merit.

September 27, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No