

In the High Court of Punjab and Haryana at Chandigarh.

**CWP- 22796 of 2017
Decided on 06.10.2017.**

Shiv Kumar

--Petitioner

Vs.

Commissioner Hisar Division, Hisar (Haryana) and others

--Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. R.K.Singla, Advocate, for the petitioner

Rakesh Kumar Jain,J: (Oral)

This petition is filed to challenge the orders Annexures P-18 and P-24 passed by the Commissioner, Hisar Division, Hisar.

The matter pertains to the appointment of a Lambardar of village Chillewal Tehsil Tohana, District Fatehabad. The petitioner was found suitable and the Collector Fatehabad appointed him as Lambardar on 22.9.2015. The petitioner was anticipating an appeal at the instance of respondent No.3 and filed a caveat application as well before the Commissioner. However, the allegation of the petitioner is that the Commissioner without giving notice decided the appeal against him and remanded the case. The petitioner filed the appeal for seeking recalling of the order on the ground that he has not been heard. The Commissioner, therefore, gave opportunity of hearing to the petitioner and in the impugned order (Annexure P-24) recorded that there are two dates of

Birth placed on the record i.e. dated 16.7.1986 (matriculation certificate) and 01.01.2002 (voter identity card). Therefore, in order to resolve this controversy as to which of the date of Birth is correct, the matter has been remanded back to the Collector giving liberty to the parties to lead evidence. It is also recorded in the order of the Commissioner that in case it is found that none of the candidate is suitable, then the Collector may start fresh process for the selection of Lambardar.

Learned counsel for the petitioner has though argued that the impugned orders are patently erroneous and illegal but he could not deny that there are two documents on record rightly or wrongly, showing different dates of birth of the petitioner and the said issue is required to be resolved as to which of the date of Birth is correct because if the date of birth recorded in the voter card is accepted then the petitioner would be under age and would not be able to hold any public office and in the case, date of birth dated 16.7.1986 is correct then the matter would be entirely different.

Be that as it may, after hearing learned counsel for the petitioner and examining the record, I am of the considered opinion that there is no merit in this petition and the same is hereby dismissed.

06.10.2017
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No.