

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

CWP No.2736 of 2015

Date of Decision: November 09, 2017

Maman Chand

. . . . Petitioner

Vs.

The Financial Commissioner and Secretary, Revenue Department and others

. . . .Respondents

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

Present: Mr.Vijay S. Kajla, Advocate,
for the petitioner.

Mr.Ashok Muthreja, DAG, Haryana.

Mr.Shakti Singh, Advocate,
for respondent No.4.

None for respondent No.5.

RAKESH KUMAR JAIN, J.

The petitioners have challenged the order dated 27.11.2007 passed by the Collector, Jind, order dated 3.10.2008 passed by the Commissioner, Hisar Division, Hisar and order dated 3.10.2013 passed by the Financial Commissioner, in this petition.

The post of Lambardar of Village Muana, District Jind, fell vacant after the death of Kabul Singh on 31.7.2006. Applications were duly invited and ultimately the petitioner and respondents No.4 & 5 remained in the contest. The Collector, Jind did not find the petitioner and respondents No.4 & 5 suitable for the said post. He observed that as per Report No.792 dated 28.2.2002, land of the petitioner was attached by the order of the

Court. Thus, he remanded the matter back to the Sub-Divisional Officer (Civil), Safidon with a direction to conduct fresh proclamation to invite the applications to fill up the vacant post of Lambardar. The order of the Collector was challenged by the petitioner and Kushpal/respondent No.5 by way of separate appeals but the same were decided on 3.10.2008 by the Commissioner, Hisar Division, Hisar observing that the petitioner had taken loan from the bank and his land was attached due to non-payment of bank loan which proves that he was defaulter of the bank. Against the order of the Commissioner, the petitioner filed revision before the Financial Commissioner where the petitioner had raised a plea that the loan of the bank has been paid on 23.3.2013 but the Financial Commissioner found that already the Collector, Jind and the Commissioner, Hisar Division, Hisar had passed their orders on 27.11.2007 and 3.10.2008, respectively, and the loan has now been paid during the pendency of the revision before him in order to overcome the difficulty of being declared as bank defaulter. Therefore, it was held that there was no error in the impugned orders because the Lambardar should be a man of impeccable character.

Learned counsel for the petitioner has though vehemently argued that the bank loan was paid, which was actually in the name of Krishan Kumar but from the certificate issued by the State Bank of Patiala dated 23.3.2013, it is apparent that the loan was in the name of Krishan Kumar and Maman Chand s/o Pyare Lal, which has also been noticed by the Financial Commissioner in his impugned order.

Consequently, I do not find any reason to interfere in this petition, being denuded of any merit, and as such the same is hereby dismissed.

NOVEMBER 09, 2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No