

230

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

CWP-4399-2016

Date of decision : 01.02.2017

Nirmala Devi

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Ms. Monica Chhibber Sharma, DAG, Punjab.

Mr. G.S. Nagra, Advocate
for respondent No.6.

AMIT RAWAL, J. (ORAL)

Mr. R.K. Arya, learned counsel for the petitioner submits that the petitioner-Nirmla Devi aged 69 years and being widow of Om Parkash, Ex-Nambardar, had applied for the appointment for the post of Nambardar, when she was 60 years' old and having the land measuring 10 kanals. The Collector, Gurdaspur, vide order dated 29.08.2007 (Annexure P-1), appointed the petitioner as Nambardar by accepting the recommendation of the Assistant Collector, Grade-I, Pathankot. The aforementioned order was assailed by the defeated candidate before the Commissioner. However, the Commissioner has set aside the order. No reasoning, much less, cogent reason has come forward. The same was also assailed before the Financial Commissioner, but did not yield any result, therefore, the present writ petition. The petitioner being a lady has a preferential right viz-a-viz the private respondent, who has erroneously been appointed. The Collector had rightly given the benefit of the inheritance and therefore, the order could not

be tinkered or set aside.

Ms. Monica Chhibber Sharma, DAG, Punjab and Mr. G.S. Nagra, learned counsel appearing on behalf of respondent No.6 submits that the order under challenge is perfectly legal and justified. The private respondent was 47 years of age at that time and is also having 18 acres of land. The petitioner had wrongly attested the sale deed and FIR, in this regard, was also lodged and ultimately, the matter was compromised and therefore, the antecedents are not correct, thus, urges this Court for dismissal of the present writ petition as there is no illegality and perversity.

I have heard the learned counsel for the parties and appraised the paper book. The age of the petitioner at this stage is no doubt 69 years' old viz-a-viz the age of the appointed Numbardar must be around 56 years. The common person younger in age has more energy and potentiality to render the assistance to the villagers viz-a-viz the old age persons. It is also a matter of record that since 28.12.2008, Dinesh Singh is working, there has been no adverse report, in essence, according to the written statement of the State, the record has been impeccable.

For the foregoing reasons, I do not find any illegality and perversity in the impugned order, much less, no ground is made out for interference and accordingly, the present writ petition is dismissed.

01.02.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**