

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

CWP-26926-2017

Date of decision: 28.11.2017

Sanjay Kumar

.... Petitioner

vs

State of Haryana & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

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

Rakesh Kumar Jain, J(oral)

The petitioner has challenged the appointment of respondent No.4 to the post of Nambardar. The Tehsildar recommended the name of petitioner vide report dated 09.05.2014 (Annexure P-1) but the SDO(Civil) recommended the name of respondent No.4 vide his report dated 30.05.2014 (Annexure 1(a)). The Collector, Kurukshetra after taking into consideration the inter se merits of the candidates found respondent No.4 to be more suitable for the post of Nambardar and hence appointed him to the post of Nambardar vide order dated 28.01.2015 (Annexure P-2).

Aggrieved against the said order, the petitioner filed the appeal before the Commissioner, Ambala, who vide order dated 04.07.2017 (Annexure P-4) upheld the order passed by the Collector, Kurukshetra.

Learned counsel for the petitioner has submitted that the petitioner is more meritorious than respondent No.4 and has also submitted that there is a case pending against respondent No.4 seeking his eviction from the land of the Panchayat on which he is in unauthorised possession.

I have heard learned counsel for the petitioner and am of the

considered view that there is no merit in the present petition because pendency of case would not be a disqualification at the time for being considered for the post of Nambardar as it is yet to be decided as to whether respondent No.4 is actually in unauthorised possession or not. So far as the argument of the petitioner is that he is more meritorious, the said aspect has been taken into consideration by both the authorities and passed detailed orders. It is well settled that choice of the Collector has to be preferred and the Commissioner did not find any perversity in the order passed by the Collector.

In view of the above discussion, I do not find any merit in the present petition.

Accordingly, the present petition is dismissed.

28.11.2017
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(RAKESH KUMAR JAIN)
JUDGE

1. Whether speaking/non-speaking? Yes/No
2. Whether reportable? Yes/No