

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

**CWP No.27830 of 2017
Date of Order: 07.12.2017**

Hakam Singh

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present : Mr. Sandeep Kumar Bokolia, Advocate for the petitioner.

RAKESH KUMAR JAIN, J (ORAL)

The matter pertains to the continuation of the petitioner to the post of Lambardar of Village Hari Nau, Tehsil Kotkapura, District Faridkot.

The facts giving rise to this case are that the petitioner was appointed as Lambardar by the Collector, Faridkot on 31.1.2007. Sanad was issued to him on 12.11.2008 in pursuance of his appointment order dated 31.1.2007. However, the appointment of the petitioner was challenged by one Chuhar Singh by way of an appeal, which was allowed by the Commissioner while setting aside the order dated 31.1.2007 and the matter was remanded back to the Collector to decide the issue of appointment of Lambardar again. The Collector, Faridkot appointed Chuhar Singh vide order dated 05.7.2012. Said order was successfully challenged by the petitioner in revision before the Commissioner. While his revision was pending before the Financial Commissioner, Chuhar Singh died. The petitioner somehow or the other is continuing working as Lambardar on the basis of Sanad issued to him on 12.11.2008 and made a representation to the Collector to allow him to continue as he has come to know that the Revenue Authorities are starting process for filling up the post of Lambardar on which the petitioner is already working. He has

prayed that directions be issued to decide his representation.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that the petitioner does not have any right to the post much less to ask for even continuation on the said post of Lambardar. Although the petitioner was appointed as Lambardar by the Collector on 31.1.2007 and was issued Sanad on 12.11.2008, but the order dated 31.1.2007 of the Collector was set aside by the Commissioner while remanding the matter back to the Collector therefore it has become nonest and that the sanad taksim, which was issued to him on 12.11.2008 also pales into insignificance. As a matter of fact, Chuhar Singh who had challenged the appointment of the petitioner was appointed as Lambardar on 05.7.2012. Appeal filed by the petitioner against his appointment was dismissed by the Commissioner of the Division and the revision petition filed by him before the Financial Commissioner was dismissed as withdrawn. Meaning thereby, the appointment of Chuhar Singh remained intact though Chuhar Singh died during the pendency of the revision petition before the Financial Commissioner. Order dated 05.7.2012 by which Chuhar Singh was appointed as Lambardar has not been set aside by any of the Courts therefore it attained finality. The petitioner cannot thus on the basis of order dated 31.1.2007 claim himself to be the Lambardar.

Consequently, the Revenue Authorities who have allowed the petitioner to work as Lambardar till now on the basis of sanad dated 12.11.2008, have committed an error and for that there should be an enquiry. Therefore, I direct the Collector, Faridkot to hold an enquiry as to how the petitioner has been allowed to work as Lambardar despite the fact that the order dated 31.1.2007 passed in his favour was set aside in revision

by the Commissioner of the Division, new Lambartdar was appointed on 05.07.2012 and whose appointment has not been set aside by any Court.

In view of aforesaid, present petition is dismissed being bereft of merit.

December 07, 2017
manoj

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No