

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.7146 of 2016

Date of Decision: April 28, 2017

Iqbal Singh

...Petitioner

Versus

Financial Commissioner, Revenue (Appeals), Punjab, Chandigarh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.N.P.S.Mann, Advocate,
for the petitioner.

Ms.Monica Chhibber Sharma, DAG, Punjab,
for the State.

AMIT RAWAL, J. (Oral)

The petitioner has challenged the impugned orders, whereby his appointment as Lambardar has been cancelled by dismissing him from the post of Lambardar on the premise that he had been staying in Italy.

Mr.N.P.S.Mann, learned counsel representing the petitioner submits that the revision filed against the impugned order before the Financial Commissioner was accompanied by an application seeking condonation of delay of 537 days. The petitioner had gone to Italy and had lost the passport and thereafter applied afresh. There is no compliance to the provisions of Rule 16 of the Punjab Land Revenue Act (for short “the Act”). In fact, there is no provision to dismiss a person from the post of Lambardar, who had temporary gone abroad. The only condition of removal is in case he neglects to discharge his duties, but no such evidence has been

placed on record.

On the contrary, Ms.Monica Chhibber Sharma, learned Deputy Advocate General, Punjab submits that the petitioner is basically resident of Italy and without informing about the same, has shifted there and, therefore, he cannot be permitted to hold the post of Lambardar in the country and particularly in the village. Thus, the provisions of Rule 16 (ii)(F) of the Punjab Land Revenue Rules (for short “the Rules”) have rightly been invoked, thus, there is no illegality and perversity in the impugned orders.

I have heard the learned counsel for the parties and appraised the paper book.

Rule 16(ii)(c) of the Rules envisages that owing to age or physical or mental incapacity or absence from the estate, the person is unable to discharge the duties of his office, also would be one of the grounds for dismissal from the post of Lambardar. Once the petitioner is resident of Italy, the story of misplacing the passport is nothing but an attempt to camouflage. The explanation given with regard to 537 days' delay in filing the revision before the Financial Commissioner itself is a pointer that the petitioner is staying in Italy and rightly so, the impugned order has been passed.

For the foregoing reasons, no ground for interference is made out.

Writ petition stands dismissed.

April 28, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No