

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

CWP No.4822 of 2017

Date of Decision.09.03.2017

Ajit Singh s/o Sh. Pritam Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

Present: Mr. Dinesh Sharma, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Learned counsel for the petitioner is aggrieved of the impugned orders whereby Daljit Singh-private respondent has been appointed as Lambardar on the basis of recommendation which has been upheld by all the authorities below.

The contention of the petitioner is that his candidature has been declined on the premise that he has been in Government service at PAU but the fact remains that the private respondent at the time of filing the application was facing criminal action, in essence, FIR, that at later point of time resulted into cancellation on account of compromise. The petitioner is more educated and therefore, deserves to be appointed as Lambardar. There is no bar for a Government servant for submitting the application, much less, appointment of Lambardar.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that as regards the contention of submission of the application by Government employee, there is no dispute to the aforementioned fact, in view of the ratio decidendi culled out *Sukhminder*

remains that in order to strike equities and convenience of the villagers, a person discharging official duty cannot be available at the beck and call of the villagers. It would be too difficult to obtain leave or to leave the office without leave and in case, he does so, cannot avoid the wrath of the authorities and may face disciplinary proceedings. A person easily available for villagers is to be appointed as Lambardar. The recommendation of the Collector cannot be tinkered with unless and until there is illegality and perversity, in view of the ratio decidendi culled out in **Mahavir Singh Vs. Khiali Ram and others 2009(3) SCC 439.** The registration of the FIR would pale into insignificance, as the criminal action has been dropped, in view of the compromise entered into between the parties.

No ground for interference is made out. The writ petition is dismissed.

(AMIT RAWAL)
JUDGE

March 09, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No