

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

CWP No.5786 of 2017  
Date of Decision.21.03.2017

Kashmiri Lal

.....Petitioner

Vs

State of Punjab and others

.....Respondents

Present: Mr. Manmohan Singh Kang, Advocate  
for the petitioner.

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

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**AMIT RAWAL J. (ORAL)**

The petitioner is aggrieved of the impugned orders dated 19.01.2016, 22.08.2016 and 10.01.2017 (Annexures P-1 to P-3 respectively) whereby in pursuance of the seat of Lambardar (SC Category), having fallen vacant, process for filling up the same was initiated. Resultantly, the private respondent No.4, Arveen Kumar, stated to be younger in age of the petitioner, had been appointed.

Mr. Kang, learned counsel appearing for the petitioner submits that the petitioner is a kariana depot holder besides 50 years old and owning 21 kanals 6 marlas of agricultural land, much less, matriculate whereas Arveen Kumar is 41 years old, owns 5 acres of land. He is 10+1 pass with a diploma in electrical. As per the findings rendered by the Division Bench as reflected in the grounds of writ petition, being a kariana depot holder, it would be convenient for him to discharge the duties of Lambardari. The registration of the FIR would not come in the way of the petitioner as the same has already been quashed. As per Rule 19-B, the character of the candidate has to be seen on the date of calling of the application. All these factors have not been taken into consideration, thus, the orders under challenge are liable to be dismissed.

I have heard learned counsel for the petitioner, appraised the

paper book and of the view that there is no dispute to the provisions of Rule

19-B but the fact remains that the selected candidate, Arveen Kumar, is younger in age and he had been member of the Guru Ravidas registered Committee, much less, had also participated in many other social activities of the village, is a member of the Human Rights Munch and had taken part in social work by coming in the front line and had also taken initiative against use of the drugs. All these factors had been taken into consideration by the Collector.

As regards the finding of the authorities that the petitioner is of advanced age cannot be a ground for non-selection but other parameters like the one I have noticed above, are sufficient for the purpose of manning the post of Lambardar or for selecting a candidate.

The argument of Mr. Kang falls flat that the petitioner had been appointed as Panch of the Gram Panchayat twice. The business of kariana requires full time dedication. The petitioner would be rather at loss, as while discharging the duties of Lambardar, some theft or fire may take place in the shop. He has to be more focussed in the business. Multi-tasking is also not good for health.

The recommendation of the Collector cannot be interfered with unless and until the same is suffering from arbitrariness, much less, illegality, which has not been pointed out.

I do not find any reason to interfere with the orders under challenge, much less, doctrine akin to judicial review. No ground for interference is made out. The writ petition stands dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**March 21, 2017**  
Pankaj\*

Whether speaking/reasoned      Yes

Whether reportable      No