

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

126

CWP-17843-2018

Date of decision: 03.08.2018

Ram Kumar

....Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Man Mohan, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Present writ petition is directed against the concurrent findings recorded, whereby respondent No.5 has been appointed as Nambardar of Village Sultanpur Tehsil Barwala District Panchkula.

The sole contention, as such, of the petitioner is that there was a demarcation report which showed that Sahab Singh-respondent No.5 was in unauthorized occupation as he had merged some portion of the passage along with his brothers. Reliance has been placed upon the report dated 02.06.2016 (Annexure P-4) in this context and it is, accordingly, submitted that this aspect was not taken into consideration by the Commissioner.

A perusal of the paperbook would go on to show that the merits and demerits, as such, of the candidates had been considered by the Deputy Commissioner, who came to the conclusion that Sahab Singh owned 72 kanals of land, in comparison to 4 marlas of land, owned by the petitioner. The allegations of illegal encroachment were also looked into and it was found that there was no illegal encroachment of the land as per the demarcation report of Gram Panchayat by the said respondent, who is literate and B.A. pass and had also deposited Rs.4 lakhs in small savings and donated Rs.2100/- in Uttarakhand Relief Fund apart from donating blood.

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He also had remained the Chairman of Market Committee, Barwala. In contrast, the petitioner is 5th class pass and has no eligibility or achievements by which he could impress the Collector for appointment. It is in such circumstances, the Commissioner, vide order dated 08.07.2015 (Annexure P-2) has upheld the order of the Collector dated 29.10.2013 (Annexure P-1), which has further been upheld by the Financial Commissioner on 06.09.2017 (Annexure P-3).

It is settled principle that the order of the Collector is not liable to be interfered with, as he is the best judge of a person. Even otherwise, the merits and demerits have been noticed and there is sharp contrast between the two candidates. The allegations of illegal and unauthorized encroachment seems to be without any basis and were also made at the time of consideration and found not substantiated as per report of demarcation at that point of time. The subsequent report, which has now been appended during the pendency of the proceedings, which had been much stressed upon, would not be of any help to the petitioner, who has withheld the earlier report.

Accordingly, the present writ petition is dismissed in limine.

03.08.2018

Sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*