

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

LPA No. 1737 of 2018 (O&M)

Date of Decision: 13.11.2018

Sanjay Yadav

.....Appellant

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
 HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. J.S.Yadav, Advocate, for the appellant.

KRISHNA MURARI, C.J.(oral)

This intra court appeal is directed against the judgment and order of the learned single Judge dated 29.08.2018 dismissing the writ petition filed by the appellant herein challenging the orders passed by the Financial Commissioner, Haryana, Chandigarh as also the Commissioner, Gurgaon Division, Gurgaon whereby the revision and the appeal filed by him were dismissed.

2. The dispute is in respect of the appointment of the appellant herein as Lambardar of village Hussainpur. The Commissioner and the Financial Commissioner set aside the orders passed by the District Collector, Rewari on 26.02.2014 mainly on the ground that the appellant is not a permanent resident of the said village as he does not have any ration card or voting card and therefore, was not in a position to discharge the duties of Lambardar.

3. During the proceedings of revision before the Financial Commissioner, some documents such as ration card and Domicile Certificate were produced to establish that he was a permanent resident of

the same village but the same were discarded by the Financial Commissioner on the ground that the said documents have been prepared during the pendency of the appeal before the Commissioner to cover up the issue. Even the Haryana Resident Certificate on which reliance is being placed to contend that he is a permanent resident goes to show that it was issued only on 24.07.2017 after the Commissioner had passed the order allowing the appeal. Learned Single Judge after analyzing the complete factual background as also the findings recorded by the authorities also confirmed that the appellant-petitioner is not a permanent resident of the village in question and thus no fault can be found with the findings returned by the authorities.

4. The issue as to whether the appellant is a permanent resident of the village in question or not is a question of fact which has been examined by more than three fact finding authorities and have returned a finding on the basis of the evidence on record that he is not a permanent resident of the village in question. There is hardly any scope for us to interfere with the same in Letters Patent Appeal. This appeal is concluded by the findings of fact in which no interference is required and thus the same fails and stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

13.11.2018
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Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√