

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

LPA-680-2018 (O&M)
Date of Decision: 08.05.2018

Kesar Singh

--Appellant

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE AJAY KUMAR MITTAL,
ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Aarti, Advocate for
Mr. Rajiv Kataria, Advocate for the appellant.

TEJINDER SINGH DHINDSA.J (Oral)

CM-1863-LPA-2018

Instant application has been filed under Section 5 of the Limitation Act seeking condonation of delay of 110 days that has occurred in filing the accompanying appeal.

The only ground raised in the application is that the appellant was not aware about the limitation period prescribed for filing an appeal.

Such ground cannot be taken as a valid justification for condonation of the delay.

Prayer is declined.

Application is dismissed.

Main Case

1. Appellant herein, Kesar Singh filed CWP-28192-2017 being aggrieved of the order dated 17.9.2014 passed by the Deputy Collector, Patiala and in terms of which respondent no.5, Raghbir Singh was appointed as Lambardar (S.C) of village Pandtan, Tehsil Rajpura, District Patiala. Further challenge in the writ petition was to the orders passed by the appellate and revisional authorities upholding the order of the District

Collector, Patiala.

2. The present intra-court appeal has been filed challenging the order dated 12.12.2017 passed by the learned Single Judge dismissing the writ petition.

3. Briefly, it may be noticed that respondent no.5 was appointed as Lambardar (S.C) of the village in question vide order dated 17.9.2014 passed by the Deputy Collector, Patiala having accepted the recommendations of the Assistant Collector Ist Class-cum-Sub Divisional Magistrate, Rajpura. Respondent no.5 was found to be more deserving to be appointed as Lambardar taking into account his age as also educational qualifications. The Divisional Commissioner, Patiala Division Patiala vide order dated 20.12.2016 affirmed the order passed by the Deputy Collector, Patiala. Even the revision petition preferred by the appellant stands dismissed vide order dated 11.9.2017 passed by the Financial Commissioner (Revenue), Punjab.

4. Learned counsel during the course of hearing has not advanced submissions to demonstrate the gross irregularity, perversity or any patent error having been committed while appointing respondent no.5 as Lambardar and which would have warranted interference by the Writ Court.

5. In our considered view the order dated 12.12.2017 passed by the learned Single Judge dismissing the writ petition is well founded as there was no occasion to disturb the concurrent findings recorded by the revenue authorities while appointing respondent no.5 as Lambardar (S.C) of the village in question.

There is no merit in the appeal.

Consequently the instant appeal is dismissed on the ground of delay as well as on merits.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

08.05.2018

lucky

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No