

CWP-1054-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1054-2019

Date of Decision: 29th January, 2019

Gurcharan Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Raj Kumar Arya, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 01.08.2016 (Annexure P-2) passed by the Commissioner, Jalandhar Division, Jalandhar and order dated 21.12.2016 (Annexure P-3) passed by the Financial Commissioner (Revenue), Punjab, whereby, case has been remanded to the District Collector, Amritsar, for calling applications afresh for the post of Lambardar of village Chak Aul, Tehsil Ajnala, District Amritsar, by setting aside the appointment of the petitioner as Lambardar of the said village.

2. It is the contention of the learned counsel for the petitioner that the District Collector, Amritsar, having considered all the applications submitted for appointment to the post of Lambardar of village Chak Aul, Tehsil Ajnala, District Amritsar, found nothing against the petitioner as there was no allegations against him and his character and antecedents were found above board. He contends that the choice of Collector should not be

interfered and well-reasoned order of the District Collector, Amritsar, dated 04.09.2012 (Annexure P-1) should have been given full credence and credit by the Appellate Authority before setting aside the appointment of the petitioner as Lambardar and therefore, impugned orders cannot sustain. He contends that the application of the petitioner although submitted after the cut off date which fact has been duly considered by the Sub Divisional Magistrate and he has, for the reasons given in the application, condoned the delay in filing the same and therefore, District Collector, Amritsar, has rightly considered the application of the petitioner and proceeded to appoint him. Counsel, thus, contends that the acceptance of the appeal of respondent No.5 – Hardyal Singh, by the Commissioner, Jalandhar Division, Jalandhar, vide order dated 01.08.2016 (Annexure P-2) and dismissal of the revision petition preferred by the petitioner, vide order dated 21.12.2016 (Annexure P-3) passed by the Financial Commissioner, (Revenue), Punjab, cannot sustain and deserve to be set aside.

3. I have considered the submissions made by the learned counsel for the petitioner and with his assistance have gone through the impugned orders passed by the revenue authorities.

4. It is an admitted position that the last date for submission of the applications as per the proclamation (*munadi*) was 19.08.2011 and the petitioner did not submit his application on or before the said date. Rather, he had submitted his application on 12.12.2011. On a categorical question put by this Court as to under which provisions, the Sub Divisional Magistrate, Ajnala, had the jurisdiction to condone the delay in submission

of such an application, there was no response from the counsel. As per the rules, there are no powers conferred upon the Sub Divisional Magistrate, Ajnala, to condone the delay in submission of the application. If that be so, the District Collector, Amritsar, could not have considered the application of the petitioner for appointment to the post of Lambardar, the same having not been submitted prior to the cut off date. Order dated 04.09.2012 (Annexure P-1) passed by the Collector, Amritsar, appointing the petitioner as Lambardar, cannot be said to be in accordance with the provisions of the statute. Thus, the acceptance of appeal of respondent No.5 – Hardyal Singh, by the Commissioner, Jalandhar Division, Jalandhar, vide order dated 01.08.2016 (Anenxure P-2) and dismissal of the revision petition as preferred by the petitioner vide order dated 21.12.2016 (Annexure P-3) passed by the Financial Commissioner (Revenue), Punjab, being in accordance with law does not call for any interference by this Court.

5. In view of the above, finding no merit in the present writ petition, the same stands dismissed.

29th January, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No