

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

126

Civil Writ Petition No.1224 of 2019

Date of Decision: January 17th, 2019

Achhar Singh

...Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Malkeet Singh, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 09.08.2017 (Annexure P-7) passed by the District Collector-cum-Deputy Commissioner, Ludhiana, whereby the case has been remanded back for appointment of Lambardar to the Sub Divisional Magistrate, Ludhiana, for starting the process afresh and order dated 23.05.2018 (Annexure P-8) passed by the Commissioner, Patiala Division, Patiala, whereby the appeal preferred by the petitioner stands dismissed and order dated 15.11.2018 (Annexure P-9) passed by the Financial Commissioner (Appeals), Punjab-respondent No.1, whereby the revision petition of the petitioner has also been dismissed.

2. It is the contention of learned counsel for the petitioner that after a proper munadi was carried out in the village, which bears the signatures of the Chowkidar of the village, the report was submitted to the Sub Divisional Magistrate, who had on the basis of the said report, proceeded to consider not only the application of the petitioner but two other applicants. The name of the petitioner was recommended for appointment to the post of Lambardar. The District Collector-cum-

was a document, which document has even been admitted by the Chowkidar to bear his own signatures, has proceeded to come to a conclusion that the mustri munadi was not carried out in a proper manner and there was an irregularity therein ordering remand of the case, which is not sustainable in the light of the admitted documentary evidence being on record with regard to mustri munadi having been carried out in the village. He further contends that one of the candidates apart from the petitioner has approached with an application that the mustri munadi was not carried out in the village but later on withdrew the same by stating that on the date when the mustri munadi was carried out he was not in the village and, therefore, he did not come to know of the mustri munadi and under a wrong impression, he had filed an application to that effect, which application he has withdrawn. He, thus, contends that the orders as passed by the Revenue Authorities, which have been impugned, cannot sustain and deserve to be set aside.

3. I have considered the submissions made by the counsel for the petitioner and with his assistance, have gone through the records of the case.

4. Perusal of the impugned orders would show that there is indeed a document which indicates that there was a mustri munadi carried out in the Village Hawas because it bears the signatures of the Chowkidar of the village, however, at the time when the applications were being considered for appointment to the post of Lambardar, the District Collector, Ludhiana-respondent No.3 had called upon the Chowkidar to appear before him, who had categorically stated before the District Collector that although the report on the mustri munadi bears his signatures but he did not know the details with regard to the mustri munadi having been carried out in the village.

He further stated that the mustri munadi was not conducted in the village.

In the light of the statement made by the Chowkidar of the village himself and that too by appearing before the competent authority, the District Collector has proceeded to remand the case back to the Sub Divisional Magistrate for fresh process to be initiated, which this Court also does not find any flaw in. The intent and purpose of holding of mustri munadi is that the best candidate should apply for the post of Lambardar, which is a very responsible post while dealing with the matters at the village level. Once a doubt has crept in with regard to the proper munadi having been carried out in the village and especially, on the statement of the Chowkidar of the village himself, this Court does not find it just an equitable to interfere in the orders passed by the Revenue Authorities. All the authorities, which have dealt with the matter, have come to a conclusion that the mustri munadi was not carried out in a legal and proper manner. In any case, no prejudice has been caused to the petitioner as he can again apply for the post of Lambardar. His candidature along with others would be considered if he is found eligible as per rules.

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

January 17th, 2019
Puneet

AUGUSTINE GEORGE MASI(H)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No