

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

Civil Writ Petition No. 18466 of 2019

DATE OF DECISION : July 10, 2019

Narender

..... PETITIONER(S)

VERSUS

Financial Commissioner (Revenue), Haryana and others.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. P.S. Jammu, Advocate, for the petitioner.

...

Augustine George Masih, J. (Oral)

Petitioner has approached this Court challenging order dated 31.10.2017 (Annexure P-7), passed by the Commissioner, Karnal Division, Karnal (respondent No.2) whereby the appeal filed by Sandeep son of Rishi Parkash (respondent No.4) challenging the appointment of the petitioner as Lambardar of Village Dikadla, Tehsil Samalkha, District Panipat, has been set aside and fresh process of appointment has been ordered to be initiated by the Collector. This order has been upheld by the Financial

Commissioner (Revenue), Haryana, (respondent No.1), vide order dated 20.05.2019 (Annexure P-8). This order has also been challenged.

It is the contention of the learned counsel for the petitioner that proper Munadi for appointment to the post of Lambardar of the Village was issued on 03.02.2017 vide Rapat No.282. The Mushtari Munadi having been carried out as per the order of the Tehsildar, Samalkha by the Chowkidar of the Village, copy whereof has been appended as Annexure P-2, he contends that merely because there is an overwriting of digit '9' in the date, the Commissioner as well as the Financial Commissioner have come to a wrong conclusion that there was no such Mushtari Munadi. He further states that to set aside the appointment of the petitioner on the ground that the period of seven days which has been given for the applicants to apply for the post of Lambardar was less, cannot be said to be sustainable in the light of the fact that earlier also the period for submission of applications has been even less than seven days, which was actually fixed in the case of Village Dikadla. In support of his contention, he places reliance upon various Mushtari Munadis (Annexures P-9 to P-11) held in the villages falling in Tehsil Samalkha, District Panipat. In view of the above, learned counsel for the petitioner contends that the orders passed by the authorities cannot sustain and deserve to be set aside.

I have considered the submissions made by the learned counsel for the petitioners. I have also gone through the records of the case as well as the impugned orders but do not find myself in agreement with the assertions of the learned counsel for the petitioner.

Firstly; two authorities, on the basis of record having been perused by them, have come to a positive conclusion that there is an overwriting in digit '9' which relates to the last date of receipt of the applications which, as has rightly been concluded by the authorities, creates certain doubts with regard to the Mushtari Munadi having been conducted in the village. This conclusion which has been based upon perusal of the record on this aspect, therefore, cannot be faulted with.

That apart, the assertion of the learned counsel for the petitioner that the period which is mentioned for applying for the post being seven days, is sufficient for the purpose of applying for the post, keeping in view the periods of less than even seven days having been prescribed and granted to the applicants with reference to Annexures P-9 to P-11, suffice it to say that once the Mushtari Munadi itself has been doubted and the holding of the same having been said to be not established, whether the period of seven days or three days for the applicants to apply, would not make much of a difference. What actually is going against the contention of the learned counsel for the petitioner is the conclusion of the authorities that the holding of the Mushtari Munadi itself is doubtful. It may be added here that at the time of final consideration before the Collector, petitioner was the only candidate left. The conclusions, thus, drawn by the authorities cannot be faulted with especially in the light of the observations made by the Financial Commissioner, Haryana that any observation would not adversely affect either the interest of the petitioner or the other candidates who had earlier

This Court, therefore, does not find any reason to exercise its extra ordinary jurisdiction in the present case.

The writ petition, therefore, stands dismissed.

July 10, 2019
Kang

(Augustine George Masih)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No