

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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CWP-30236-2018

Date of decision: 05.11.2019

RAVINDER KUMAR

...PETITIONER

VS.

FINANCIAL COMMISSIONER, HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vaneet Soni, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the orders passed by The Collector, Kurukshetra dated 31.12.2014 (Annexure P-1) and the order passed by The Financial Commissioner, Haryana dated 30.08.2018 (Annexure P-5), whereby the appointment of respondent No. 4-Kehar Singh as Lambardar, when challenged in the appeal and the revision petition, stands dismissed. What really comes out of the above is that the initial appointment of Kehar Singh by the Collector, District Kurukshetra-respondent No. 3 stands upheld up to the Financial Commissioner.

These orders, which have been passed by The Collector, Kurukshetra, The Commissioner, Ambala Division and The Financial Commissioner, Haryana dated 31.12.2014 (Annexure P-1), 22.09.2015 (Annexure P-3) and 30.08.2018 (Annexure P-5) respectively, stand upheld by this Court in CWP No. 29439 of 2018 titled as Mehar Singh vs. State of

Haryana and others vide judgment dated 17.01.2019.

When confronted with this judgment, counsel for the petitioner has pointed out another argument which was not dealt with by this Court in the judgment dated 17.01.2019 i.e. a purported admission on the part of Kehar Singh-respondent No. 4 before the Financial Commissioner that his father was in an unauthorized possession of the Gram Panchayat land and that the said land of the Gram Panchayat has been mutated in the name of heirs of Ram Kishan who is father of Kehar Singh. He contends that in the light of this admission on the part of respondent No. 4, he is in unauthorized possession of the Gram Panchayat land which would render him disqualified for consideration for appointment to the post of Lambardar.

This contention of the counsel for the petitioner cannot be accepted as there is no evidence on the record to substantiate such a contention which is being sought to be projected. Even before this Court, nothing has been placed on record which would indicate that Kehar Singh-respondent No. 4 is in an unauthorized possession or was in an unauthorized possession at the time of his appointment as Lambardar i.e. 31.12.2014. In the absence of such evidence, the contention, as raised by the counsel for the petitioner, cannot be accepted.

It may be pointed out here that firstly, Kehar Singh is an Ex-serviceman and apart from that, he has a certificate issued by the Army authorities which is treated as equivalent to that of Graduation for appointment to the post of Group-C post whereas the petitioner is only 10+2 pass. Therefore, on merits also, the petitioner would not have any case.

The present writ petition, therefore, fails in the light of the judgment dated 17.01.2019 passed by this Court in CWP No. 29439 of 2018

titled as Mehar Singh vs. State of Haryana and others and for the reasons stated above.

November 05, 2019
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No