

CWP-26596-2019

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

CWP-26596-2019Date of Decision: 19th September, 2019Gurpreet Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Shakti Mehta, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order of dismissal of revision petition by the Financial Commissioner (Appeals), Punjab, on 27.05.2019 (Annexure P-6), which was preferred by him against the order dated 20.11.2018 (Annexure P-5) passed by the Commissioner, Patiala Division, Patiala, dismissing his appeal and the order dated 09.10.2018 (Annexure P-4) passed by the District Collector, Patiala, ordering fresh *munadi* to be carried out for inviting applications for filling-up the post of Lambardar of village Malkana Patti, Tehsil Samana, District Patiala.

2. It is the contention of the learned counsel for the petitioner that the father and grand-father of the petitioner were the Lambardars of the village. After the death of the father of the petitioner, proclamation was issued and applications were invited for filling-up the post of Lambardar of village Malkana Patti, Tehsil Samana, District Patiala. In response thereto, petitioner along with two other persons filed their applications within time.

Apart from that, two other persons had also filed their applications. While

the process for appointment to the post of Lambardar was underway, wherein the name of the petitioner was duly recommended by the Assistant Collector 2nd Grade-cum-Tehsildar, Samana, as well as the Assistant Collector 1st Grade, Samana on 13.07.2018 (Annexure P-2), on 24.08.2018, an application was submitted by one Shri Jagdish Singh son of Chhota Singh – respondent No.5 to the Deputy Commissioner that there has been no proclamation in the village, cognizance whereof was taken by the District Collector after a period of one year, while was taken into consideration and on the basis of the said application, fresh *munadi* has been ordered by the District Collector, Patiala, vide order dated 09.10.2018 (Annexure P-4).

3. This, the counsel contends, is unsustainable in the light of the fact that the said application has been entertained after a long period when the process of selection had almost completed and the name of the petitioner had been duly recommended. He asserts that the appeal preferred by the petitioner under Section 13 of the Punjab Land Revenue Act, 1887 has been dismissed by the Divisional Commissioner, Patiala Division, Patiala, vide order dated 20.11.2018 (Annexure P-5) and the revision also dismissed by the Financial Commissioner (Appeals), Punjab, vide order dated 27.05.2019 (Annexure P-6) without taking into consideration this aspect that there was proper publication of notice inviting applications otherwise there would have been no application received except that of the petitioner. The fact that there were four other applications which were received in pursuance to the proclamation, it is apparent that there was proper notification and publication carried out. He, thus, contends that the orders

impugned cannot sustain and deserve to be set aside.

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

5. The facts as recorded above are not in dispute and thus, are not mentioned again to avoid repetition.

6. The question which requires consideration of this Court would be “Whether the petitioner had any right crystalized in his favour merely because of the recommendations which have been made by the Assistant Collector 2nd Grade as well as Assistant Collector 1st Grade or not?”

7. The answer to the said question and the issue raised would be in the negative as unless an appointment is made by the Collector, no right can be said to be accured in favour of the petitioner. His right is only for applying for a post and consideration thereof, which process was underway when the Competent Authority has come to a conclusion that fresh *munadi* is required to be carried out as earlier *munadi* was not properly done. This Court has found no justification or any illegality in the decision which has been taken by the District Collector, Patiala, for fresh *munadi*. Obviously, the orders which have been passed by the Appellate Authorities, which have also been impugned, are also not found to be illegal.

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

(AUGUSTINE GEORGE MASIH)
JUDGE

19th September, 2019
Harish

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