

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

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Civil Writ Petition No.32063 of 2019
Date of Decision: November 5th, 2019

Jamil Mohammed

...Petitioner

Versus

State of Haryana and others

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gobind Dhanda, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 23.05.2014 (Annexure P-4) passed by the Financial Commissioner and Principal Secretary to Government of Haryana, Department of Revenue and Disaster Management and Consolidation, Haryana-respondent No.1, order dated 07.03.2012 (Annexure P-3) passed by the Commissioner, Ambala Division, Ambala-respondent No.2, order dated 29.04.2011 (Annexure P-2) passed by District Collector, Ambala-respondent No.3, whereby Karnail Singh-respondent No.5 was appointed as the Lambardar of Village Pilkhani.

2. Learned counsel for the petitioner has sought to explain the delay in approaching this Court in filing the writ petition on 01.11.2019 i.e. more than five years by asserting that the counsel, who had earlier been engaged by the petitioner, on inquiry has been found to have left practice. He asserted that he had been contacting the Clerk of the then counsel, who had been mentioning certain dates. He, therefore, asserts that the delay in approaching this Court may be overlooked and for the fault of the counsel, petitioner should not be penalised.

3. This submission of the counsel for the petitioner, although is

not acceptable as no details with regard to the Clerk and the date given by nor is the phone number of the Clerk of the counsel mentioned.

4. However, keeping in view the interest of justice, counsel for the petitioner has also been heard on merits. He asserts that the petitioner is more meritorious than both Karnail Singh and Sohan Lal as he is the youngest amongst them and is an ex-serviceman as well. He asserts that although appointment of Karnail Singh by the Collector vide order dated 29.04.2011 has been set aside by the Commissioner in an appeal preferred against the said appointment order vide order dated 07.03.2012 (Annexure P-3), appointment of Sohan Lal giving him preference over the petitioner is not sustainable. He contends that Sohan Lal although is an ex-serviceman but was 70 years of age at that time and, therefore, the petitioner being 43 years of age at that relevant time, should have been given preference over respondent No.4-Sohan Lal. He, thus, contends that the orders passed by the Commissioner as well as the Financial Commissioner cannot sustain and deserve to be set aside.

5. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the records of the case as well as the impugned orders.

6. It is true that the petitioner is younger in age as compared to Sohan Lal. Both the candidates are ex-servicemen but Sohan Lal is educated up to prep class, whereas the petitioner is educated up to 8th class. It is high time that the education should be given priority and preference keeping in view the fact that the Lambardar is supposed to and require to not only identify the persons but to deal with various documents and assist the revenue authorities in the functions, which have to be performed.

An educated person would be better in performing his duties and responsibilities as compared to a person, who is lesser educated as in the present case. Petitioner being only 8th pass, although younger but respondent No.4-Sohan Lal is much more qualified, has rightly been given precedence over the petitioner.

7. Finding no merit in the present writ petition, the same stands dismissed.

November 5th, 2019

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No