

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

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Civil Writ Petition No.34945 of 2019
Date of Decision: December 13th, 2019

Manoj Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 02.04.2019 (Annexure P-4) passed by the Divisional Commissioner, Rohtak Division, Rohtak, order dated 29.11.2018 (Annexure P-2) passed by the Collector, Bhiwani, and the order dated 21.08.2018 (Annexure P-1) passed by the Sub Divisional Officer-cum-Assistant Collector Ist Grade, Bhiwani, District Bhiwani, appointing respondent No.5-Suresh Kumar as Lambardar of Village Talu, Tehsil and District Bhiwani.

2. It is the contention of learned counsel for the petitioner that the disqualification, which has been made the basis for rejection of the claim of the petitioner for appointment to the post of Lambardar, is the liability of land revenue which was outstanding against the father of the petitioner. He contends that the liability of the father cannot be foisted upon the petitioner and taken as a ground for holding him not suitable for appointment to the post of Lambardar. He contends that the petitioner had been performing the duties of the Lambardar during the period his father was placed under suspension and, therefore, was well aware of the working of the post. Nothing has been found against the petitioner during this interregnum period, which would render him non-suitable for appointment

to the post of Lambardar. His assertion is further to the extent that the petitioner is more suitable than Suresh Kumar-respondent No.5, who has been appointed as Lambardar of the village. Contention has been raised that private respondent No.5-Suresh Kumar was working as a Special Police Officer in the Police Department and has resigned subsequently and, therefore, his resignation cannot be a ground for permitting him to continue on the post of Lambardar. However, he very fairly states that on the date of appointment of respondent No.5 as Lambardar of the village, he was not holding the said post and has joined as SPO when appeal was preferred by the petitioner against the denial of appointment to the post of Lambardar. He, therefore, contends that the impugned orders cannot sustain and deserve to be set aside.

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

4. The factum and the basis on which the petitioner is putting forth his claim is he being the son of the Lambardar and it is during the pendency of the suspension period of his father that he has gained experience as Lambardar. Assertion has been made that the grandfather of the petitioner was also the Lambardar of the village and, therefore, the petitioner had a preferential right for consideration for appointment to the post of Lambardar.

5. If that be the claim of the petitioner, the liability, if any, on his grandfather or the father, would also fall upon him and the consequences he has to face and suffer because of any misconduct on the part of the father/grandfather. Admittedly, in this case *aabiyana* was not deposited by

the father of the petitioner and the amount was found to be ₹5,28,183/-, which the counsel for the petitioner states that the same has been paid of, although in instalments over a period of time. He, however, could not dispute the fact that on the date of consideration for appointment to the post of Lambardar, there were dues of land revenue to the credit of the father of the petitioner.

6. If that be so, the petitioner has rightly been ignored for appointment to the post of Lambardar. The orders which have been passed by the revenue authorities, therefore, cannot be faulted with, especially in the light of the fact that respondent No.5, on the date of appointment of the Lambardar, was not holding the post of Special Police Officer and as a matter of fact, after having submitted his resignation, which has been duly accepted by the Superintendent of Police, Hisar, on 05.04.2019, the ground, on which the petitioner had challenged the appointment of respondent No.5, has also been rendered infructuous.

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

December 13th, 2019

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No