

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 178 of 2020 (O&M)

Date of decision: 06.02.2020

Jamil Mohammed

... Appellant

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

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

ARUN PALLI, J. (ORAL)

This is an intra-court appeal, under Clause X of the Letters Patent, against a judgment and order dated 05.11.2019, rendered by the learned Single Judge, vide which the writ petition filed by the appellant assailing the order dated 29.4.2011 passed by the District Collector, appointing Karnail Singh (respondent No.5) as Lambardar of village Pilkhani, as also the order dated 7.3.2012 (Annexure P-3) passed by the Commissioner, whereby Sohan Lal (respondent No.4) was instead, appointed as Lambardar, and the order dated 23.5.2014 (Annexure P-4), passed by the Financial Commissioner, affirming the said appointment, has since been dismissed.

Ex facie, upon consideration of the matter and the material on record, the learned Single Judge concluded that writ petition filed by the appellant suffered from gross, inordinate and unexplained delay, for it was filed on 1.11.2019, i.e. after five years of the order dated 23.5.2014

(Annexure P-4), passed by the Financial Commissioner. The explanation sought to be tendered that, in fact, the appellant had engaged a counsel well in time to file a writ petition, but it later transpired that he later left the profession and moved abroad, was not found to be credible for lack of any material and requisite details. Be that as it may, even on merits, it was concluded that both appellant and Sohan Lal (respondent No.4) were ex-servicemen and even if the appellant was younger in age, Sohan Lal was more educated. Indisputably, the appellant had studied only up to 8th standard, whereas Sohan Lal was educated up to prep class. Records show that respondent No.4 was even recommended by Assistant Collector 1st and 2nd Grade, for appointment as Lambardar. Further, as observed by the Commissioner, Ambala Division, respondent No.4 was healthy and mentally alert, and thus, capable of discharging the functions and duties of the office of Lambardar. Significantly, pursuant to his appointment vide order dated 7.3.2012 (Annexure P-3), affirmed by the Financial Commissioner, Sohan Lal (respondent No.4) continues to discharge his duties as Lambardar since then.

In the wake of the above, we are dissuaded to interfere with the judgment rendered by the learned Single Judge.

The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

February 06, 2020
AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO