

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.103

CWP-32089-2019 (O&M)

Date of decision : 6.3.2020

Rashpal Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sunil Agnihotri, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

On the death of erstwhile Lamberdar, process of appointment of a new Lamberdar was initiated. The Naib Tehsildar, Tanda and Sub-Divisional Magistrate, Dasua recommended the name of the petitioner. However, learned Collector appointed respondent No.4 vide order dated 12.3.2013. Appeal and revision of the petitioner have been dismissed. Thus, the present writ petition has been filed.

Learned counsel for the petitioner has argued that the learned Collector orally pronounced orders on a date earlier than 12.3.2013 and declared that the petitioner had been appointed as Lamberdar. Accordingly, respondent No.4 through his counsel submitted an application for certified copy of the order for the purposes of filing of appeal as is evident from Annexure P-2. Meanwhile, respondent No.4 managed to manipulate the learned Collector resulting in order dated 12.3.2013, which was in complete variance with the order pronounced earlier. Thus, the order of the Collector is vitiated and the appeal and revision of the petitioner should have been allowed.

The contention of learned counsel for the petitioner cannot be accepted because a perusal of Annexure P-2 shows that the application was

made for certified copy of order dated 12.3.2013. Had the date of order mentioned therein, been a date earlier than date 12.3.2013, the submission may have had some substance. Moreover, the said issue was never raised in appeal nor in revision and the submission appears to be an afterthought based upon the purpose of application of copy of order dated 12.3.2013 being mentioned as ‘for appeal’.

This, I do not find any merit in this writ petition and the same is dismissed.

(SUDHIR MITTAL)
JUDGE

6.3.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No