

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

CWP-20119-2021

Date of Decision:04.10.2021

Hari Om

....Petitioner

VS

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Arihant Goyal, Advocate and
Mr. Ramesh Goyal, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The petitioner was appointed as Lambardar by the Collector. The same was challenged by his brother Nafe Singh by way of an appeal. Nafe Singh succeeded and the matter was remanded for a fresh decision. Thereafter, the Collector called for fresh applications on the ground that the candidates despite being brothers failed to settle their differences, which resulted in criminal cases against both. Neither of them was accordingly suitable. The petitioner's appeal and revision against the said orders have failed.

Learned counsel for the petitioner submits that at the time of remand there was no direction to call for fresh applications. Thus, the Collector was in error in doing so.

It may be noted that meanwhile Nafe Singh has passed away.

Once the matter is remanded to the Collector for a fresh decision, he has the right to consider the merits and demerits of all the candidates. After evaluating the respective candidates, he may appoint Lambardar or may reject all

of them and call for fresh applications. In this case, the Collector has though it fit to call for fresh applications. The said conclusion can not be said to be perverse. Moreover, the contesting candidate namely Nafe Singh has passed away during the pendency of appeal/revision leaving a single candidate in the fray. There can not be a default appointment and, thus, the impugned orders do not call for any interference.

The writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

04.10.2021
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No