

LPA No.784 of 2021 (O&M)

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

LPA No.784 of 2021 (O&M)

Date of decision : 22.08.2022

Rashpal Singh

.....Appellant

VERSUS

State of Punjab and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment passed by the learned Single Judge, dated 06.03.2020, whereby the writ petition preferred by the petitioner (appellant herein) seeking appointment to the post of Lambardar instead of respondent No.4 – Janjit Singh, who was appointed by the Collector vide impugned order dated 12.03.2013 (Annexure P-1) followed by dismissal of the appeal and the revision petition and thereafter, the writ petition by the learned Single Judge of appellant – Rashpal Singh.

Counsel for the appellant has contended that the name of the appellant was recommended for the post of Lambardar by the revenue authorities. Even the Collector, at the time of announcement of the order, had stated that the appellant would be appointed as Lambardar but when the order came, respondent No.4 – Janjit Singh had been appointed, which the

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counsel contends is not sustainable. Further, he places reliance upon the application which has been submitted for supply of copy of the order dated 12.03.2013 passed by the Collector, Hoshiarpur, appointing Janjit Singh son of Harbhajan Singh as Lambardar, to contend that had respondent No.4 not intended to challenge the said order, there was no reason for him to apply for the copy of the order for preferring an appeal on his part. Counsel for the appellant has although very fairly conceded that these pleas, as have been raised, have not been accepted by the Appellate Authority or the Revisional Authority but contends that the factum that the appellant was declared as Lambardar cannot be overlooked. Assertion has also been made that the Revisional Authority has not taken this aspect into consideration while rejecting the revision petition in the right perspective. Prayer has, thus, been made for accepting the present appeal and appointing the appellant as Lambardar of the village Jhingar Khurd, Tehsil Dasuya, District Hoshiarpur by setting aside the appointment of respondent No.4 – Janjit Singh.

Having considered the submissions made by the learned counsel for the appellant and on going through the pleadings and the orders passed by the revenue authorities as also of the learned Single Judge, we are unable to accept the said contentions of the counsel for the appellant.

As regards the plea that the appellant had been declared as Lambardar of the village but the order reflects otherwise as has been passed by the Collector, Hoshiarpur, dated 12.03.2013 (Annexure P-1), suffice it to say that the said order has been passed by considering the merits of the respective parties. The discretion has been exercised by the Collector which is the appointing authority and the choice, therefore, as exercised, can only

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be faulted or interfered with in case of any perversity or apparent error on the facts and law, which in our considered view is none. Even the Appellate Authority and the Revisional Authority had considered the said aspect in detail and have come to a conclusion that there was no merit so far as the claim of the appellant is concerned with regard to the wrongful appointment of respondent No.4 – Janjit Singh. The reasoning assigned by the said authorities are justified and based upon the records which do not call for any interference in the present appeal.

Finding no merit in the present appeal, the same stands dismissed.

CM-1926-LPA-2021

In the light of the dismissal of the main appeal, no orders are required to be passed in this application for stay as the same has been rendered infructuous.

Disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

22.08.2022

Harish

(ALOK JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No