

147

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

**LPA-442-2022 (O&M)
DECIDED ON: 31.05.2022**

VED SINGH

.....APPELLANT

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Virender Singh Punia, Advocate
for the appellant.

Ms. Rajni Gupta, Addl. A.G. Haryana.

SANDEEP MOUDGIL, J.

In the instant intra-Court appeal, the appellant has challenged the order dated 25.05.2022, passed by the learned Single Bench, vide which the writ petition filed by the appellant has been dismissed, upholding the order passed by the authorities below vide which it remanded back the matter to effect fresh Munadi and to make appointment of Lambardar of village Sacha Khera, Tehsil Narwana, District Jind.

2. The appellant has assailed the order of the learned Single Judge of this Court submitting that earlier Nafe Singh was the Lambardar belonging to general category of village Sacha Khera, Tehsil Narwana, District Jind, who expired on 09.06.2014 and accordingly, the process was initiated for appointment of fresh Lambardar. In pursuance thereof, three

applications were received from Ved Singh son of Punjab Singh (present appellant), Naresh Kumar son of Dalbir Singh and one Ramesh Kumar son of Dhoop Singh. Learned counsel for the appellant submitted that out of the above three applicants, two namely Naresh Kumar and Ramesh Kumar withdrew their applications leaving Ved Singh i.e. the present appellant, as the sole applicant.

3. The attention of this Court has also been drawn to the fact that the Assistant Collector IInd Grade, Narwana vide letter dated 11.03.2015 (Annexure P-1), recommended the name of the appellant-Ved Singh to the Assistant Collector 1st Grade, Narwana to appoint him as Lambardar, who further recommended the name of the appellant-Ved Singh to the Collector, Jind vide letter dated 19.10.2015 (Annexure P-2). During this intervening period, respondent No.4 moved an application dated 23.10.2015 before the Collector, Jind-respondent No.3, alleging that no Munadi (proclamation) was conducted in village Sacha Khara regarding appointment of Lambardar on account of death of deceased Lambardar namely, Nafe Singh.

4. In pursuance of the aforesaid application, Collector, Jind, vide its order dated 05.11.2015, directed SDO (Civil), Narwana to conduct an enquiry qua holding of Munadi (proclamation). Though, SDO (Civil), Narwana submitted its report dated 02.05.2016, recording that Munadi was done, however, the Collector, vide its order dated 07.08.2017, on going through the records, found that Munadi was not conducted properly in the village and resultantly, ordered for conducting fresh Munadi in the village for appointment of Lambardar.

5. Challenging the impugned order dated 25.05.2022, learned counsel for the appellant has vehemently contended that in the wake of report dated 02.05.2016 (Annexure P-3), submitted by the SDO (Civil), Narwana to the Collector, Jind recording that Munadi was effected in village Sacha Khera, the findings recorded by the Collector in its order dated 07.08.2017 (Annexure P-5) as upheld by the Commissioner, Hisar Division in appeal in its order dated 02.01.2018 (Annexure P-7) as well as by the Financial Commissioner, Haryana vide order dated 07.04.2022 (Annexure P-9) along with the order dated 25.05.2022 of the learned Single Bench, are against the documentary evidence on record and therefore, were not sustainable.

6. On the other hand, Ms. Rajni Gupta, Addl. A.G., Haryana having been served with an advance copy of the present appeal, puts in appearance on behalf of respondents No. 1 to 3, support the reasoning and observations made in the orders under challenge before this Court.

7. Having heard the learned counsel for the parties and after going through the record of the present appeal, it is revealed that though the SDO (Civil), Narwana has submitted report to the effect that Munadi was got conducted in village Sacha Khera through Patwari, the Collector Jind, after going through the records, has specifically recorded that the Munadi was not conducted *properly* in the village, resulting in remand of the matter relating to appointment of Lambardar with the direction to conduct fresh Munadi in the village. Be that as it may, no prejudice is going to be caused to the appellant, who can also apply afresh in pursuance of fresh Munadi.

8. We are convinced, after having examining the submissions of the parties that the reasoning recorded by the learned Single Judge to the effect that fresh Munadi in pursuance to the remand would result in having more applicants and thereby meritorious candidate could be selected, is supported by the judgment of a Division Bench of our High Court, rendered in ***Hoshiar Singh Vs. Financial Commissioner (Revenue) Punjab, Chandigarh and others, 2013 (3) RCR (Civil) 834.*** The relevant observations from para 5 of the aforesaid judgment are reproduced herein below:-

“....The Financial Commissioner has recorded a clear finding of fact that there was no due and proper proclamation giving notice to the residents of the village in respect of initiation of proceedings to fill up the vacancy of Lambardar. The learned Single Judge rightly refused to reverse the finding of fact, in the exercise of writ jurisdiction. We would like to record that even otherwise, in response to the proclamation, only three persons submitted their applications, out of which, two persons withdrew and the appellant was the only candidate left in the fray for being appointed as Lambardar. In a process of selection, a wide choice must be available to the concerned authority in order to appraise the merits and demerits of competing candidates and to find the best person, for being appointed as Lambardar of the village.”

9. In the light of the facts of the case and discussion made hereinabove, we are in agreement with the findings of the learned Single Judge and do not find any reason to unsettle and interfere in the order dated 25.05.2022.

10. Accordingly, the Letters Patent Appeal is ordered to be dismissed being devoid of merits.

(SANDEEP MOUDGIL)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

31.05.2022
poonam negi

Whether speaking/reasoned Yes/No

Whether reportable Yes/No