

CWP-15231-2022

Date of Decision: 18.07.2022

Sanjay Kumar

....Petitioner

VS

Jaipal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. D.R. Bansal, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The matter was remanded to the Collector by the Commissioner vide order dated 02.04.2019. Post remand, order dated 15.05.2019 was passed by the Collector appointing respondent No. 1 as the Lambardar. Appeal and revision filed by the petitioner have failed and, thus, the present writ petition has been filed.

Learned counsel for the petitioner submits that the petitioner could not appear before the Collector as he was unwell. Medical certificate is on record. The same was also placed on record before the appellate and revisional authorities but they have erred in law in not taking the same into consideration. In the earlier round of litigation the petitioner had been appointed as the Lambardar. Thus, non-consideration of the candidature of the petitioner on account of his illness was perverse as he was unwell.

A perusal of the order of the Collector shows that the factum of absence of the petitioner has been noted, however, that has not been made the basis of the order. The petitioner has been found unsuitable for appointment as Lambardar as there was a criminal case registered against him and the Lok Ayukta, Haryana had found him guilty of embezzlement of panchayat funds, apart from an

order passed in a contempt petition. It is, thus, incorrect to

argue that the order suffers from perversity. It is settled law that the choice of the Collector must be respected unless and until the same is perverse. The appellate and revisional authorities were, thus, justified in upholding the order.

The writ petition has no merit and is dismissed.

18.07.2022
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(SUDHIR MITTAL)
JUDGE

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