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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.3414 of 2023
Date of Decision : 16.08.2023

Kamaljeet Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Surjit, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for issuance of a writ in the nature of certiorari for setting aside the order dated 09.12.2022 (Annexure P-6) passed by respondent No.4 vide which the proceedings for appointment of Lambardar for the village Kalal Majra has been adjourned sine die and letter dated 23.11.2021 issued by respondent No.2 being wrong, illegal, arbitrary and against the provisions of Haryana Land Revenue Act, 1887 and Punjab Land Revenue Rules (as applicable to Haryana) and further directing the respondents to finalize the proceedings qua village Kalal Majra in compliance of order dated 15.09.2015 passed by respondent No.3.

It has been contended by learned counsel for the petitioner that post of Lambardar under the general category fell vacant on account of death of Sh. Pritam Singh on 10.06.1993. On account of the same,

mushtari-munadi was conducted and applications were invited for the post of Lambardar. He submits that in pursuance to the munadi conducted, the petitioner and other candidates applied for the same. However, learned Collector on analysis of the *interse* merits and character antecedents of all the candidates finally appointed one Jai Singh as Lambardar of village Kalal Majra vide his order dated 06.09.2013. He submits that the petitioner challenged the same by way of filing the appeal before the Commissioner. However, the same was allowed vide order dated 15.09.2015 by setting aside the order of Collector and matter was remanded for fresh decision. He submits that Jai Singh challenged the same by way filing the revision before the Financial Commissioner. However after hearing, learned Financial Commissioner dismissed the revision petition on 23.0.2019 on the ground that impugned order was not liable to be interfered under the provisions of Punjab Land Revenue Rules. Aggrieved by the same, Jai Singh filed Civil Writ Petition bearing **CWP No.35252 of 2019** before this Court, which was dismissed as withdrawn vide order dated 09.12.2019. It is submitted that thereafter the State had issued executive instructions dated 23.11.2021 which reads as follows:

“Matter regarding appointments of Lambardars including Sarbarah Lambardars in the State is reviewed by the Government and it has been decided that all fresh appointments of Lambardars including Sarbarah Lambardars in Haryana may be frozen in the State from the date of issue of orders till the assessment of the requirement of Lambardars and their duties in the modern circumstances is undertaken. This will apply to all appointments which are presently under consideration of

the competent authorities but where appointment has not been made till date.”

He submits that thereafter the petitioner filed an application before respondent No.4 regarding compliance of order dated 15.09.2015, but respondent No.4 has adjourned the proceedings *sine die* in view of the instructions dated 23.11.2021. He further submits that decision of the Collector adjourning the case *sine die* is totally misinterpretation of the instructions dated 23.11.2021 and in view of the same, the petitioner is suffering an irreparable loss. He has further stated that the Collector has adjourned the case *sine die* by passing a cryptic order and without assigning any reason. He has also stated that the applicability of the said instructions to the case of petitioner is a question to be decided by the Collector by passing a speaking order as the case of petitioner was pending since 2013.

Learned State counsel, on instructions, has submitted that respondent No.4-the District Collector, Ambala has adjourned the case *sine die* by passing a order dated 09.12.2022 which was passed in view of the instructions dated 23.11.2021.

In view of the submissions made by learned counsel for both the parties and perusing the material on record, this Court is of the opinion that the order passed by respondent No.4-District Collector, Ambala is not a speaking one. The case of petitioner was already pending adjudication before the authorities since 2010 and no speaking & reasoned order has

been passed by the District Collector, Ambala while adjourning the case as *sine die*.

Keeping in view the facts and circumstances of the case, the present petition stands disposed of and impugned order dated 09.12.2022 (Annexure P-6) being cryptic is hereby set aside. However, District Collector, Ambala is directed to decide at the first instance the issue as to how the instructions dated 23.11.2021 are applicable to the case of petitioner which was already pending when the said instructions came into being, by passing a speaking order as per law within within a period of four weeks from today. The parties would be at liberty to avail their remedies in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

16.08.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No