

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(124)

CWP-7867-2023

Date of decision: - 18.04.2023

Navdeep Kumar

....Petitioner

Versus

Deputy Commissioner, Nawanshahr and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Karan Puggal, DAG, Punjab
for the respondents.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ, order or direction especially in the nature of certiorari to set aside the process of appointment of Lambardar of Nawanshahr initiated vide order dated 03.03.2023 (Annexure P-2) and to set aside the subsequent proceedings.

A further prayer has been made for issuance of writ, order or direction in the nature of mandamus directing the respondents to issue fresh proclamation by providing sufficient time to apply for the post of Lambardar to other candidates and in the alternate, the prayer has been made for directing the respondents to allow the petitioner to compete and file application for appointment of Lambardar.

2. Learned counsel for the petitioner has submitted that in the present case, an application for filling up the vacant post of Lambardar (General) of village Nawanshahr local was invited after the death of wife of the petitioner, who was earlier Lambardar. It is further submitted that the petitioner had earlier in the year 2018 also applied for being appointed as Lambardar and back then the wife of the petitioner was appointed as Lambardar. It is also submitted that now the petitioner is desirous of competing with the other candidates for the post of Lambardar and thus, wants to apply afresh after the death of his wife, but however, on account of there being no due publication/proclamation, the petitioner could not apply. It is stated that a representation (Annexure P-3) has been given by residents of village, in which, it has been stated that neither a general notice was pasted nor any proclamation has been issued. It is further stated that even a representation dated 22.03.2023 (Annexure P-4) has been given by the petitioner to the Deputy Commissioner, Nawanshahr, in which, it has been stated by the petitioner that proclamation even as per the record of the authorities has been done on 17.03.2023 and the applications for the post of Lambardar were been invited till 20.03.2023 and thus, only a period of two days was given and that too were holidays being Saturday and Sunday. It is also submitted that the moment the petitioner learnt about the said fact, he gave a representation dated 22.03.2023 (P-4) and has prayed that either a proclamation be issued afresh or the petitioner be allowed to participate in the proceedings. It is stated that at this stage, the petitioner would be satisfied in case a direction is given to the Deputy Commissioner, Nawanshahr/respondent

No.1 to decide the application dated 22.03.2023 (Annexure P-4), as expeditiously as possible, in a time bound manner. It is further stated that till date no person has been appointed as Lambardar.

3. Learned State counsel appearing on behalf of respondents No.1 to 3 has submitted that every endeavour would be made by the Deputy Commissioner, Nawanshahr-respondent No.1 to decide the application dated 22.03.2023 (Annexure P-4) as expeditiously as possible and to take appropriate action in accordance with law.

4. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with a direction to the Deputy Commissioner, Nawanshahr-respondent No.1 to consider and decide the application dated 22.03.2023 (Annexure P-4), in accordance with law, within a period of three weeks from the date of receipt of certified copy of the present order. Till the time, the said application is not decided, the further proceeding with respect to the appointment of Lambardar is stayed.

5. It is made clear that this Court has not opined on the merits of the case and respondent No.1 would consider the matter independently, in accordance with law.

April 18, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No