

2024:PHHC:146416-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

CM-6679-LPA-2024 in/and
LPA-2283-2016
Decided on : 11.11.2024

Karan Singh

.....Appellant(s)

Versus

The Financial Commissioner, Haryana & others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA

Present: Ms.Amanpreet Kaur, Advocate, for
Ms.Puja Chopra, Advocate for the appellant.

Mr.Saurabh Mago, DAG, Haryana.

Mr.Ravinder Malik, Advocate, for the applicant-respondent No.4.

G.S. Sandhawalia, J.(Oral)

CM-6679-LPA-2024

Application has been filed by the applicant-respondent No.4 for
fixing actual date of hearing in the main case since the appellant-Karan Singh
has expired on 23.07.2024.

Notice of the application.

Ms.Amanpreet Kaur, Advocate for Ms.Puja Chopra, Advocate for
the appellant accepts notice and concedes to the factum that the appellant has
expired.

Accordingly, in view of the above, the present application is
allowed and the main case is taken on Board, to be disposed of, today itself.

CM stands disposed of.

LPA-2283-2016

1. Consideration in the present appeal is to the judgment dated 04.10.2016 passed by the Learned Single Judge in CWP-8849-2001 titled *Karan Singh Vs. Financial Commissioner, Haryana & others*.

2. While dismissing the writ petition filed against the order of the Financial Commissioner dated 18.04.2021, the Learned Single Judge held that the appellant was ineligible for the post of Lambardar of Village Patti Kodan, Jhajjar Town and declared respondent No.4-Rohtash to be eligible and entitled to the post of Lambardar of the said village and resultantly, directions were issued to the District Collector, Jhajjar to pass appropriate orders. The said order was stayed on 28.11.2016 by the Co-ordinate Bench.

3. A perusal of the paperbook would go on to show that the deceased-appellant was appointed by the Collector on 11.06.1997 (Annexure P-1). The Commissioner, Rohtak Division chose not to interfere in the said order of appointment and dismissed the appeal filed by respondent No.4 on 22.09.1999 (Annexure P-2). The Financial Commissioner, Haryana, however, had interfered in revision petition filed and set aside the appointment on 18.04.2001 (Annexure P-3) which was subject matter of consideration before the Learned Single Judge.

4. While issuing notice of motion in the writ petition on 02.07.2001, the operation of the order of the Financial Commissioner dated 18.04.2001 (Annexure P-3) had been stayed. Thus, for all practical purposes, the appellant continued to serve as Lambardar from 1997 before he has expired. In such circumstances, we are of the considered opinion that the present appeal has been rendered infructuous. It is, thus, open to the authorities to initiate the

process for appointment of Lambardar since much water has flown during these long years. Respondent No.4 would not have a vested right to be appointed merely on account of death of the appellant as fresh candidates would have to be considered who would be fully eligible. However, it would be open to respondent No.4 to apply afresh, in pursuance of the applications to be invited.

5. In view of the above discussion, the present appeal is disposed of as having been rendered infructuous, with the afore-said directions. All pending application(s), if any, also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

11.11.2024
sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No