

2024:PHHC:143110-DB
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(110) LPA-2688-2024 (O&M)
Decided on : 04.11.2024

Karamjit Singh

.....Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

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

Present: Mr.V.S.Punia, Mr.Dharmpal Chahal, Mr.VarunMor, Advocates
for the appellant.

G.S. Sandhawalia, J.(Oral)

1. Consideration in the present appeal is to the judgment dated 22.08.2024, passed by the Learned Single Judge in CWP-18754-2022 titled *Karamjit Singh Vs. State of Haryana & others*, upholding the order dated 03.09.2019 (Annexure P-7) passed by the Commissioner and order dated 07.07.2022 (Annexure P-9) passed by the Financial Commissioner, whereby appointment of respondent No.4, Hardip Singh as Lambardar of Village Padarth Khera, Tehsil Narwana, District Jind, was upheld.

2. The Learned Single Judge relied upon the observations made by the Financial Commissioner whereby respondent No.4 was found younger in age in comparison to the present appellant and also having higher educational qualification of 12th class in contrast to 10th pass qualification of the appellant. Reliance was, accordingly, placed upon the judgment of the Apex Court passed in **Mahavir Singh Vs. Khiali Ram & others, 2009 (3) SCC 439** while dismissing the writ petition and not interfering with the orders of the Commissioner and Financial Commissioner. The argument that the present appellant was having experience of working as SarbarahLambardar was rejected on the ground that giving preference to ainherited claim has been held to be *ultra-vires*.

3. We have perused the paperbook. It is apparent that at an initial point of time, the Collector, vide order dated 04.12.2017 (Annexure P-2) appointed the present appellant as Lambardar while recording that he had analyzed the comparative description of the candidates and kept in mind all the aspects. Solely on the ground of being the grandson of the deceased Lambardar and the period of experience of acting Lambardar, weighed with the Collector, which was in contrast with the settled principles of law, which

led to the interference by the Commissioner vide order dated 30.03.2018 (Annexure P-3) whereby the matter was remanded for fresh consideration on the ground that Hardip Singh was 16 years younger and having better qualification of 12th pass and therefore, the matter had been remanded.

4. It is pertinent to notice that the same officer, thereafter, repeated the said order on 26.12.2018 in the same manner by noticing that merits of both the candidates were considered. The aspect of higher qualification and younger in age was not considered despite the fact that the judgment of the Apex Court in **Mahavir Singh (supra)** was binding upon the Collector, while led to the Commissioner allowing the appeal of Hardip Singh on 03.09.2019 (Annexure P-7) while placing reliance upon the judgment passed in CWP-7150-2015 titled *Satnam Singh Vs. State of Punjab & others*, decided on 29.08.2016. It is, in such circumstances, the Financial Commissioner also came to the conclusion that the Collector erred in appointing the present appellant as Lambardar which order was held to be rightly set aside the Commissioner.

5. We have also gone through the judgment passed in Satnam Singh (supra) where there was also difference of 12 years and resultantly, the younger candidate was preferred. In such circumstances, once the law has been settled by the Apex Court, the Collector was also bound by the said observations and apparently, as noticed, it was the same officer exercising his jurisdiction and thus, he opted for appointing the appellant again, which frustrated the first remand order.

6. Resultantly, in view of the above discussion, we are of the considered opinion that the Learned Single Judge did not err in any manner while dismissing the writ petition. Consequently, finding no merit in the present appeal, the same is hereby dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

04.11.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No