



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-40345-2018
Date of Decision: 13.12.2024

Sobha Ram

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Anupal Singh Tanwar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

Mr. Atul Yadav, Advocate
for respondent No.5.

HARSH BUNGER J. (ORAL)

Petitioner (Sobha Ram) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside impugned order dated 12.03.2013 (Annexure P-2) passed by the learned District Collector, Gurugram; order dated 06.08.2015 (Annexure P-3) passed by the learned Commissioner, Gurugram Division, Gurugram; and order dated 12.07.2018 (Annexure P-5) passed by the learned Financial Commissioner, Haryana.

2. Briefly, on account of demise of Sh. Chokh Raj, previous

CWP-40345-2018

Lambardar (Scheduled Caste) of Village Mau, Tehsil Pataudi, District Gurugram; proceedings for filling up the said vacancy were initiated and applications from the interested/eligible candidates were invited, whereby, petitioner – Sobha Ram and respondent No.5 – Thawar Singh applied for the said post of Lambardar (Scheduled Caste).

2.1 It appears that the learned District Collector, Gurugram, after considering the relative merits and demerits of the candidates, rejected the claim of petitioner as well as respondent No.5 for appointment to the post of Lambardar (Scheduled Caste) of Village Mau and remanded the matter to the learned Assistant Collector, Ist Grade, Pataudi to initiate fresh proceedings for the post of Lambardar (Scheduled Caste) of Village Mau; vide order dated 12.03.2013 (Annexure P-2).

3. It is worth noticing here that the present petitioner did not challenge the order dated 12.03.2013 (Annexure P-2) passed by the learned District Collector, Gurugram; however, respondent No.5 challenged the said order (Annexure P-2) by filing an appeal before the learned Divisional Commissioner, Gurugram, who vide its order dated 06.08.2015 (Annexure P-3), appointed respondent No.5 (Thawar Singh) as Lambardar (Scheduled Caste) of Village Mau, Tehsil Pataudi, District Gurugram.

3.1 Feeling aggrieved against the aforesaid order dated 06.08.2015 (Annexure P-3), appointing respondent No.5 as Lambardar (Scheduled Caste) of Village Mau. petitioner preferred a revision petition (ROR No.285 of 2015-16) before the learned Financial Commissioner, Haryana; which was dismissed vide order dated 12.07.2018 (Annexure P-5).

4. In the aforementioned circumstances, petitioner has filed the present writ petition before this Court, seeking relief(s) as noticed

hereinabove.

CWP-40345-2018

5. Heard.

6. During the course of hearing, learned counsel for the petitioner has conceded the fact that order dated 12.03.2013 (Annexure P-2) passed by the learned District Collector, Gurugram, whereby the candidature of petitioner was rejected for the post of Lambardar (Scheduled Caste) of Village Mau; was never challenged by the petitioner before the learned Commissioner.

7. In my considered view, once the petitioner has accepted the fate of his candidature at the hands of the learned District Collector, Gurugram, who vide its order dated 12.03.2013 (Annexure P-2) rejected the claim of petitioner; then after the appointment of respondent No.5 (Thawar Singh) as Lambardar (Scheduled Caste) of Village Mau on an appeal being filed by him; the petitioner is estopped from challenging the said appointment of respondent No.5 as Lambardar (Scheduled Caste).

7.1 Furthermore, order dated 06.08.2015 (Annexure P-3) passed by the learned Divisional Commissioner, Gurugram, appointing respondent No.5 (Thawar Singh) as Lambardar (Scheduled Caste) of Village Mau; has also been upheld by the learned Financial Commissioner, Haryana vide order dated 12.07.2018 (Annexure P-5).

8. In view of the above discussion, I do not find any merit in the instant writ petition and the same is accordingly dismissed.

9. All pending application(s), if any, shall also stand closed.

13.12.2024
Apurva

(HARSH BUNGER)
JUDGE

- | | |
|--------------------------------|--------|
| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |