



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

(Sr. No. 113)

LPA-2035-2023 (O&M)

Date of decision: 07.05.2024

Gurvinder Singh

..... Appellant

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Parveen Chauhan, Advocate for the petitioner.

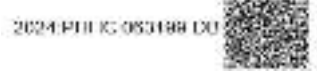
Mr. Sanjeev Kaushik, Addl. A. G., Haryana.

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DEEPAK SIBAL, J. (Oral)

(1) The present intra court appeal arises out of judgment dated 09.10.2023 passed by a learned Single Judge of this Court dismissing the appellant's writ petition filed by him to challenge therein order dated 22.08.2023 passed by the Financial Commissioner (Revenue), Government of Haryana (for short – Financial Commissioner), through which the Financial Commissioner had remanded to the Collector, Karnal to decide afresh the matter with regard to appointment of Lambardar of village Sandhir, Tehsil Nilokheri, District Karnal.

(2) Through order 12.09.2018 the Collector, Karnal, after considering the rival merits of the appellant and respondent No.5, ordered the appointment of respondent No.5 as Lambardar of village Sandhir, Tehsil

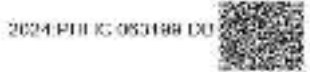


Nilokheri, District Karnal. The appellant filed an appeal against the order of the Collector which was dismissed by the Commissioner, Karnal. The appellant then approached the Financial Commissioner, who through order dated 22.08.2023, set aside the orders of the Collector and the Commissioner and remitted the matter to the Collector for a fresh decision after ascertaining the land holding of both the parties as on 27.07.2016 *i.e.* the initial date when the Collector had considered the rival merits of the candidates for appointment of Lambardar.

(3) Learned counsel for the appellant contends that the Financial Commissioner erred in directing that the land holding of the appellant and respondent No.5 be considered as on 27.07.2016 because such consideration should have been ordered to be made as on the last date for the making of the application for the Lambardar's post.

(4) The submission made by learned counsel for the appellant has been considered.

(5) A perusal of the order of the Collector dated 12.09.2018 reveals that after considering the rival merits of the appellant and respondent No.5 the Collector had ordered the appointment of respondent No.5 as Lambardar of village Sandhir, Tehsil Nilokheri, District Karnal. Such direction was issued after the Collector had found respondent No.5 to be a permanent resident of village Sandhir; not in illegal occupation of Panchayat/Govt. land; a participant in social welfare schemes; a person of good moral character and who had also been recommended by the Assistant Collector 2nd Grade-cum-Tehsildar Nilokheri as also the Assistant Collector 1st Grade-cum-Sub Divisional Officer (Civil), Karnal. The issue with regard to land holding of either of the candidates did not weigh with the Collector when he



ordered the appointment of respondent No.5. Therefore, the date on which the land holding of either of the two candidates has been ordered to be considered through the order of the Financial Commissioner is immaterial.

(6) In the light of the above discussion, the impugned judgment of learned Single Judge warrants no interference.

(7) Dismissed.

(8) All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

07.05.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

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