

135 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-32389-2024 (O/M)

Date of decision : 09.12.2024

Suresh Kumar alias Suresh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Amit Bansal, Ms. Priyanka Garg, Advocates
for the petitioner.

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

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Suresh Kumar alias Suresh) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 18.04.2023 (Annexure P-5), passed by learned Financial Commissioner, Haryana (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Ram Saroop, previous Lambardar (BC) of village Rajpura, Tehsil and District Jind, proceedings were initiated for filling up the aforesaid vacancy. In pursuance to the proclamation made in the village, 8 persons (including the petitioner, respondent No. 4 and respondent No. 5, respectively) applied for the post of Lambardar (BC).

2.1 Learned Collector, Jind (in short 'Collector'), vide order dated 07.08.2019 (Annexure P-1), appointed the petitioner as Lambardar (BC) of village Rajpura.

2.2 The aforesaid order dated 07.08.2019 (Annexure P-1) was challenged by respondent No. 4 (Rajbir) by filing an appeal before learned Commissioner, Hisar Division, Hisar (in short 'Divisional Commissioner'). Similarly, three other candidates, namely, Kuldeep Singh, Surender (respondent No. 5) and Ashok also challenged the order dated 07.08.2019 (Annexure P-1) by filing their respective appeals. All the aforesaid four appeals came to be decided by learned Divisional Commissioner, vide common order dated 07.01.2020 (Annexure P-4), whereby the appeal of respondent No. 4 (Rajbir) was accepted by setting aside the learned Collector's order dated 07.08.2019 (Annexure P-1) and Rajbir son of Shri Ram Singh (respondent No. 4) was appointed as Lambardar (BC) of village Rajpura.

2.3 It appears that respondent No. 5 (Surender) challenged the order dated 07.01.2020 (Annexure P-4), passed by learned Divisional Commissioner, by filing a revision petition (ROR No. 292 of 2019-20) before the learned Financial Commissioner. It is noticeable that present petitioner was not impleaded as party in the said revision petition, however, the learned Financial Commissioner disposed of the said revision petition, vide order dated 18.04.2023 (Annexure P-5) by observing as under :-

“The Counsels agree that the matter may be remanded to the Collector for a fresh determination of the most appropriate candidate to the post of Lambardar. The matter is accordingly remanded to the Collector, Jind to make a fresh assessment of the best candidate for the post

of Lambardar. The hearing shall be limited to the three candidates, i.e., Surender Kumar, Rajbir and Suresh Kumar and concluded within 3 month. Till such time, Suresh Kumar who is appointed by the District Collector may continue as Lambardar. The impugned order dated 07.01.2020 of the Commissioner is hereby set aside.”

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition for the relief(s), as noticed hereinabove.

4. Apparently, the petitioner was appointed as Lambardar (BC) by learned Collector, vide order dated 07.08.2019 (Annexure P-1), which was set aside by learned Divisional Commissioner, vide order dated 07.01.2020 (Annexure P-4) and Rajbir (respondent No. 4) was appointed as Lambardar (BC) of village Rajpura. On a further revision petition (ROR No. 292 of 2019-20), filed by Surender Kumar (respondent No. 5), the order dated 07.01.2020 (Annexure P-4), passed by learned Divisional Commissioner was set aside and the matter was remanded to learned Collector for fresh decision with a further direction that in the meantime, the petitioner will continue as Lambardar (BC). It is observed that the petitioner did not challenge the learned Divisional Commissioner's order dated 07.01.2020 (Annexure P-4), whereby his appointment was set aside.

5. During the course of hearing of this petition, learned counsel for petitioner has informed that presently, respondent No. 4 (Rajbir) is working as Lambardar (BC). It appears that in pursuance to the remand order by learned Financial Commissioner, the learned Collector has appointed respondent No. 4 (Rajbir) as Lambardar; against which an appeal would lie to Divisional Commissioner.

6. In view of the above, the instant civil writ petition is dismissed, however, leaving it open to the petitioner to challenge the appointment of respondent No. 4 as Lambardar, if so advised, in accordance with law.

7. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

09.12.2024
sjks

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