

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13075-2023 (O/M)

Date of decision : 03.05.2025

Satpal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Ajit Kumar Sharma, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG Haryana.

Mr. Minkal Rawal, Advocate
for respondent No. 4.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Satpal) 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 17.11.2021 (Annexure P-5), passed by learned Commissioner, Karnal Division, Karnal (in short 'Divisional Commissioner') and also order dated 06.05.2023 (Annexure P-6), passed by learned Financial Commissioner, Haryana (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Dharam Singh, previous Lambardar (BC) of village Bapoli, District Panipat, proceedings were initiated for filling up the aforesaid vacancy, wherein the petitioner (Satpal) and respondent No. 4 (Rajesh Kumar) were also the candidates. The Tehsildar as well as SDO (C), Samalakha recommended the candidature of respondent No. 4 (Rajesh Kumar) for the aforesaid

vacancy and the matter was forwarded to learned Collector, Panipat (in short 'Collector').

2.1 Learned Collector, vide order dated 31.03.2014 (Annexure P-1), appointed petitioner as Lambardar (BC) of village Bapoli primarily on his hereditary claim as his father was previous Lambardar.

2.2 Learned Collector's order dated 31.03.2014 (Annexure P-1) was challenged by respondent No. 4 (Rajesh Kumar) by filing an appeal before learned Divisional Commissioner, however, the same was dismissed, vide order dated 30.03.2016 (Annexure P-2).

2.3 Still aggrieved, respondent No. 4 (Rajesh Kumar) preferred a revision petition (ROR-284/2015-16) before learned Financial Commissioner, which came to be allowed, vide order dated 01.04.2019 (Annexure P-3), whereby the orders passed by learned Collector as well as learned Divisional Commissioner were set aside and the matter was remanded to learned Collector for deciding the same afresh.

2.2 Upon remand, learned Collector, vide order dated 26.09.2019 (Annexure P-4), appointed petitioner as Lambardar (BC) primarily on the ground that the petitioner was earlier appointed as Lambardar (BC), vide order dated 31.03.2014 (Annexure P-1) and since then he has been doing work of lambardari.

2.3 Feeling aggrieved against learned Collector's order dated 26.09.2019 (Annexure P-4), respondent No. 4 (Rajesh Kumar) preferred an appeal before learned Divisional Commissioner, who vide order dated 17.11.2021 (Annexure P-5), set aside learned Collector's order dated 26.09.2019 (Annexure P-4) and appointed respondent No. 4 as Lambardar (BC) of village Bapoli by observing that respondent No. 4

is younger in age and more educated than the petitioner and also that the name of respondent No. 4 was recommended by the lower revenue officials.

2.4 Feeling dis-satisfied, the petitioner preferred a revision petition (ROR-114-2022) before learned Financial Commissioner, which was dismissed, vide order dated 06.05.2023 (Annexure P-6).

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

4. Heard.

5. In the instant case, respondent No. 4 was appointed as Lambardar (BC) of village Bapoli by learned Collector primarily on the ground that his father was previous Lambardar (BC) of village Bapoli and, therefore, he had hereditary claim. It needs no reiteration that the appointment of Lambardar on the basis of hereditary claim has already been held to be ultra vires the Constitution by a Division Bench of this Court in ***Karnail Singh Versus State of Haryana etc., 1973 PLJ 676.***

6. Respondent No. 4 (Rajesh Kumar) has been appointed as Lambardar (BC) of village Bapoli by learned Divisional Commissioner by considering him younger and more educated than the petitioner. Furthermore, the name of respondent No. 4 was also recommended for appointment as Lambardar (BC) by the lower revenue officials, which has persuasive value.

7. Considering the totality of circumstances, I am of the considered view that the petitioner was wrongly appointed as Lambardar (BC) of village Bapoli on the ground of his hereditary claim, which has already been held to be ultra vires the Constitution, therefore, learned

Collector's order was rightly set aside by learned Divisional Commissioner.

8. That apart, respondent No. 4 is more meritorious than the petitioner in terms of his age and educational qualification and also considering the fact that his name was recommended by lower revenue officials.

9. In view of the above, I find no illegality or perversity in the order dated 17.11.2021 (Annexure P-5), passed by learned Divisional Commissioner, whereby learned Collector's order dated 26.09.2019 (Annexure P-4) was set aside and respondent No. 4 was appointed as Lambardar of village Bapoli. Order passed by learned Divisional Commissioner has been affirmed by learned Financial Commissioner.

10. Resultantly, the instant civil writ petition fails and the same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

03.05.2025
sjks

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