



**CM-4300-LPA-2019;
CM-4301-LPA-2019 and
CM-5032-LPA-2024 in/and
LPA-1889-2019** 1

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

(258) **CM-4300-LPA-2019;
CM-4301-LPA-2019 and
CM-5032-LPA-2024 in/and
LPA-1889-2019
Date of Decision : September 17, 2025**

Jai Parkash .. **Appellant**

Versus

State of Haryana and others .. **Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Bhupinder Ghanghas, Advocate, for the appellant.

Mr. Aman Mittal, Deputy Advocate General, Haryana
for respondents No. 1 to 5.

Mr. Raman Chawla, Advocate, for respondent No.6.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-5032-LPA-2024

Present application has been filed for placing on record the reply to the application for condonation of delay of 402 days in filing the appeal.

Keeping in view the facts mentioned in the application, which are duly supported by an affidavit, the application is allowed and reply to the application for condonation of delay of 402 days in filing the appeal, is taken on record.

CM-4300-LPA-2019

Present application has been filed for condonation of delay of 402



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days in filing the appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and delay of 402 days in filing the appeal is condoned.

CM-4301-LPA-2019

As prayed for, the application is allowed.

Annexure A-2 is taken on record.

LPA-1889-2019

1. In the present appeal, the challenge is made to the order dated 13.09.2018 passed by the learned Single Judge in CWP-21091-2018 by which, the writ petition filed by the appellant challenging the appointment of respondent No.6 as a Lambardar of the village Mauja Khera, Tehsil Siwani, District Bhiwani, has been dismissed.
2. Learned counsel for the appellant submits that the learned Single Judge while passing the order dated 13.09.2018 has not looked into the aspect that since respondent No.6 is Government employee, he cannot be available in the village to perform his duties, which should have been treated as a disqualifying factor for his appointment as Lambardar.
3. Learned counsel appearing on behalf of respondent No.6 submits that respondent No.6 has been working as Lambardar for the last 15 years and no such occasion has ever arisen where any complaint has been made that respondent No.6 was not available to discharge the duties as envisaged for a Lambardar to be performed.



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4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The only argument raised is that respondent No.6 is working as a JBT Teacher and is not available to perform his functions as Lambardar, which should have been treated as a disqualification.

6. Once, the said pleaded 'disqualification' is not pre-requisite under governing the Rules, merely on the asking of the appellant, the same cannot be treated as disqualification.

7. Further, for the last 15 years wherein respondent No.6 has been performing the duties of the post of Lambardar, no complaint has been received that he was not available to discharge the duties of the post as and when required. Therefore, contention of the appellant that respondent No.6 was not available, cannot be accepted.

8. Even otherwise, the argument which is sought to be raised before this Court in appeal so as to challenge the judgment of the learned Single Judge was never raised before the learned Single Judge or any other authority. Once, the basis of the appeal was never raised before the learned Single Judge, even otherwise, the said argument cannot be accepted so as to set aside the judgment of the learned Single Judge.

9. No other argument has been raised.

10. Keeping in view the above, as no perversity has been pointed out by the learned counsel for the appellant in the order dated 13.09.2018 passed by the learned Single Judge, no ground is made out for any interference by this Court in the facts and circumstances of the present case.



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11. Accordingly, the appeal is dismissed.

**(HARSIMRAN SINGH SETHI)
JUDGE**

September 17, 2025
harsha

**(VIKAS SURI)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No