
(2005) 12 P&H CK 0038
In the Punjab And Haryana At Chandigarh
Case No : R.O.R. No. 317 of 2003

Baldev Krishan

APPELLANT

Vs

Punna Singh

RESPONDENT

Date of Decision : 19-12-2005

Acts Referred:

Citation : (2006) 3 LLR 97 : (1997) 1 PLJ 321 : (2006) 3 RCR(Civil) 329

Hon'ble Judges : Mrs.Geetika Kalha, FC.

Advocate : For the Petitioners : Mr. R.S. Chauhan Advocate, Mr. Vikas Bahl, Advocate., Advocates for appearing Parties

Judgement

Mrs. Geetika Kalha, FC.

1. This is a Misc. case remanded from the Hon''ble Punjab and Haryana High Court in CWP No. 4629/2004 with directions to Ld. Financial Commissioner, Cooperation to pass the orders on merits of the case within the period of 3 months from the date of issue of orders.

2. The brief facts of the case are that Shingara Singh lambardar of village Naura, Teh. & Distt. Nawanshahr, died and the process to fill up the vacancy of lambardar was started. Proclamation was made in the village inviting applications from the willing candidates. Three applications were received. However, the Sub Divisional Magistrate, Nawanshahr ordered to make fresh proclamation in the village and accordingly, fresh proclamation was made in the village on 10.10.2001. As a result six applications were received. The Sub Divisional Magistrate recommended the name of Baldev Krishan for appointment as lambardar of the village. Distt. Collector, Nawanshahr appointed Baldev Krishan as new lambardar of the village vide his order dated 19.2.2002. Aggrieved from this order, Punna Singh s/o Harman Singh filed an appeal before the Commissioner (Appeals), Jalandhar Division, Jalandhar, whereby he accepted the appeal and set aside the order of the District Collector, Nawanshahr and appointed Punna Singh as lambardar vide his order dated 9.4.2003. Still not satisfied with this order Baldev Krishan filed revision petition before the Ld.

Financial Commissioner, Cooperation, Punjab, Chandigarh. After hearing both the parties Ld. Financial Commissioner remanded the case back to Collector, Nawanshahr with the direction to hear both the parties and decide the matter within four months from the date of parties appear before him. Till the final decision is taken, the present arrangement made for discharging the duties of lambardar will continue vide his order dated 12.1.2004.

3. Aggrieved from this order, Baldev Krishan filed CWP No. 4629 of 2004 before the Hon"ble Punjab and Haryana High Court. After hearing both the parties, Hon"ble High Court remanded the case to this Court with the direction to decide this case on merits within the period of three months vide his order dated 6.5.2004.

4. I have heard the arguments of Ld. Counsels of both the parties. The counsel for petitioner asserted that the respondent is too old to hold this post and that he is illiterate whereas the respondent is a Matriculate of 36 years. That Baldev Krishan has 12 kanals of land and has five mini buses and two cars and also stated that caste should not be consideration in the appointment of Lambardar.

5. He has argued that the post of Lambardar is not hereditary and hence the claim of the respondent should not be considered. He also argued that bigger piece of land was also not relevant and that choice of the Collector was objective and judicious and prayed that appeal may be accepted.

6. The counsel for the respondent has argued that the deceased Lambardar Shingara Singh had inherited the Lambardari from his late father Sohan Singh who had inherited from his father late Hira Singh and that petitioner is the son of real brother of Shingara Singh. Thus he deserves preferential consideration on hereditary claim and cited 2001(1)RCR(Civil)9. He also claimed that the Lambardari was of the area which has 200 houses of `Saini" caste and since he belongs to this caste, he should be given preference over the appellant who is a `Ghumar" caste having 1015 houses in the area. He claimed that he is 65 years old and not 72 years as projected by the petitioner. That he owned 51/2 acres of land and was a permanent resident of the village and that he can read and write Punjabi and is an incometax payee since 1972.

7. He further argued that the petitioner was a transporter and rarely stayed in the village. He also stated that petitioner had been involved in criminal cases and FIR No. 82 dated 21.4.2002 under Sections 341/342, 323/506/34 IPC and another complaint lodged against him on 26.8.2002 under Sections 420, 467, 468, 471 and Section 34 PC and another case of forgery was lodged against the petitioner. He prayed that Distt. Collector has passed the wrong orders by appointing criminal element to the post of Lambardar.

8. On hearing both the parties, I see no reason to upset the order of the Ld. Commissioner who has discussed the case in detail. There is no doubt of the fact that most of the people in the area who belong to `Saini" caste would be more comfortable with their own caste person as lambardar. His background and

seniority of age would also allow him to function with maturity. Moreover, it is established on record and admitted by the Counsel of appellant that Baldev Krishan is involved in several criminal proceedings and would, therefore, not be fit for the post of Lambardar. It is also established that the appellant is a transporter and is required to travel and will, therefore, not be easily available to the villagers. Therefore, in the context of these circumstances and keeping in view all the facts, I am of the opinion that the respondent would definitely be better a Lambardar and serve the village well. Accordingly, I uphold the order of the Ld. Commissioner dated 9.4.2003 appointing Punna Singh as a Lambardar of Village Naura, Teh. & Distt. Nawanshahr.

Announced.