
(2002) 01 P&H CK 0132
In the Punjab And Haryana At Chandigarh
Case No : R.O.R. No. 115 of 2001

Gurnam Singh

APPELLANT

Vs

Tarlochan Singh

RESPONDENT

Date of Decision : 29-01-2002

Acts Referred:

Citation : (2002) 3 LJR 151 : (2002) 1 PLJ 177 : (2002) 3 RCR(Civil) 601

Hon'ble Judges : J.S.Kesar, F.C.

Advocate : Sarwan Singh, Senior Advocate, alongwith A.S. Parmar, Advocate, R.S. Chauhan, Advocate., Advocates for appearing Parties

Judgement

J.S. Kesar, F.C.

1. This revision petition is directed against the order dated 29.11.2000 passed by the Commissioner, Jalandhar Division, Jalandhar and order dated 13.9.1999 passed by the Deputy Commissioner cum Collector, Nawanshahr.

2. As per facts the post of Lambardar of village Rakran Bet fell vacant due to death of Sh. Partap Singh. After following the procedure, Tehsildar recommended the name of Gurnam Singh out of 14 applicants. Gurnam Singh is the grandson of deceased Lambardar. After consideration, Sub Divisional Magistrate recommended the name of Tarlochan Singh being better qualified, more mature and suitable for this job. District Collector accepted the recommendation of Sub Divisional Magistrate and appointed respondent as Lambardar. The Commissioner dismissed the appeal of the petitioner being without merits vide impugned order.

3. I have heard Id. counsel for both the parties. The Counsel for the petitioner has pointed out that the petitioner was appointed as Sarbrah Lambardar for one year vide order dated 29.10.1996. He is young man and can better perform the duties of Lambardar. On the other hand the father of Tarlochan Singh was convicted on 12.3.1983 and criminal case is pending against Tarlochan Singh for wrongfully grabbing the land through sale deed registered in his name for which a civil suit is filed against him. Both the Collector and the Commissioner have not

taken into consideration the evidence against Tarlochan Singh and as such the present revision petition merits acceptance.

4. On the other hand the counsel for Tarlochan Singh has pointed out that Tarlochan Singh has got land from Duni Chand in good faith and sale deed was duly signed by Duni Chand. The respondent is not responsible for any foul play by any one on behalf of Duni Chand. So far as filing of civil suit by Lal Chand is concerned. the same has been withdrawn vide order dated 1.6.1999 of Additional Civil Judge, Balachaur. As far as the FIR is concerned, it is Gurnam Singh the petitioner who has filed this FIR after the appointment of respondent by the District Collector. As per facts, Collector had appointed Lambardar on 13.9.1999 whereas the FIR was lodged on 20.11.2000. The order of Commissioner dated 29.11.2000 is well reasoned as the same has been passed after considering the merits of Tarlochan Singh, being a graduate and owning 10 acres of land.

5. I have considered the arguments advanced by both the counsel. As far as conviction of father of Tarlochan Singh is concerned, that cannot adversely affect future of Tarlochan Singh because his father had been punished for the same. Moreover, father of Tarlochan Singh had become Sarpanch and thereafter Member Block Samiti later on which shows his influence in the village. Regarding registration of FIR, it is settled law that mere registration of FIR is not a bar for consideration of a person for the post of lambardar unless one is convicted by the Court of competent jurisdiction.

6. After due consideration of facts, I find that orders of the Collector and the Commissioner do not suffer from any infirmity. Accordingly, the revision petition is dismissed and appointment of Tarlochan Singh as Lambardar of village Rakran Bet is upheld.

Announced.