

(2013) 11 P&H CK 0039
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 25266 of 2013

Narbir

APPELLANT

Vs

Financial Commissioner

RESPONDENT

Date of Decision : 18-11-2013

Acts Referred:

Citation : (2014) 2 PLR 460

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—This petition is directed against order dated 08.07.2013 passed by the Financial Commissioner, Haryana upholding order of the Commissioner, Gurgaon Division, Gurgaon, and remanding the case back to start the process for appointing Lambardar afresh. The brief facts of the case are that after the death of Ramji Lal, Lambardar of village Sarai Khawaja, the post of Lambardar of the village was lying vacant for more than 15 years. The petitioner applied to the Tehsildar-cum-Assistant Collector 2nd Grade, Faridabad, on 17.06.2006 requesting him to appoint him as Lambardar, on which the Assistant Collector 2nd Grade sought permission from the Collector and ordered publication in the village, inviting applications of the interested persons. According to the petitioner, no other person came forward to apply for the said post and after completing the formalities, the Assistant Collector 2nd Grade recommended name of the petitioner to the Assistant Collector 1st Grade, who further recommended it to the Collector and the Collector, vide order dated 08.05.2007, appointed the petitioner as Lambardar.

2. Against this order, 4 appeals were filed by Mahipal Yadav, Manoj Kumar, Umesh Yadav and Vinod Kumar. The Divisional Commissioner, vide his order dated 07.11.2008, set aside the order of the Collector, against which the petitioner filed revision before the Financial Commissioner which was allowed on 19.01.2010. Respondent no. 4 challenged the order of the Financial

Commissioner by way of CWP No. 15689 of 2010 which was allowed on 30.07.2012 remanding the case back to the Financial Commissioner for reconsideration observing that if he finds that the proclamation was properly done, he may uphold the appointment of the petitioner but if he finds that there was some defect in the proclamation, which deprived the other persons from applying for the post, a fresh process be initiated.

3. After the remand, the Financial Commissioner called for the report from the Deputy Commissioner, Faridabad, who conveyed that Dharambir S/o Nandi alias Nathi, who had conducted the Munadi, is neither having any appointment letter of Chowkidar nor having any Identity Card, but it is alleged that the said person has been doing all Government and Non-Government Munadis as there is no regular Chowkidar. However, the Financial Commissioner, vide the impugned order, accepted the order of the Divisional Commissioner and remanded the case back.

4. Counsel for the petitioner has submitted that it has been accepted by the Deputy Commissioner, Faridabad that all Government and Non-Government Munadis were conducted by said Dharamvir Singh, therefore, there is no defect therein and the appointment of the petitioner should not have been disturbed.

5. I have heard learned counsel for the petitioner and perused the record.

6. As a matter of fact, in view of the munadi/publication, no-one came forward to contest for the post of Lambardar but as soon as the petitioner was appointed as Lambardar, there were 4 persons who had filed appeals alleging that they do not come to know about the munadi. Consequently, the Financial Commissioner has rightly observed that the Rapt Roznamcha pertaining to the munadi does not have signature of any witness which raises a doubt about the munadi having been properly done in the village because of which only one person, who had made the application for his appointment, was there in the fray, whereas normally more than one person apply in such cases which is evident from the fact that 4 persons challenged the order of appointment of the petitioner by way of appeals. In these circumstances, I do not find any error in the order of the Financial Commissioner which has been challenged by the petitioner herein. Consequently, the present writ petition is hereby dismissed.