
(2017) 02 P&H CK 0012
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 4399 of 2016

Nirmala Devi

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 01-02-2017

Acts Referred:

Punjab Land Revenue (Lambardari) Rules, 1908 — Rule 15

Citation : (2017) 2 RCRCivil 19

Hon'ble Judges : Amit Rawal, J.

Bench : Single Bench

Advocate : Ms. Monica Chhibber Sharma, DAG, Punjab, for the Respondent; G.S. Nagra, Advocate, for the Respondent No. 6; R.K. Arya, Advocate, for the Petitioner

Final Decision : Dismissed

Judgement

Amit Rawal, J. (Oral) - R.K. Arya, learned counsel for the petitioner submits that the petitioner-Nirmla Devi aged 69 years and being widow of Om Parkash, Ex-Nambardar, had applied for the appointment for the post of Nambardar, when she was 60 years" old and having the land measuring 10 kanals. The Collector, Gurdaspur, vide order dated 29.08.2007 (Annexure P-1), appointed the petitioner as Nambardar by accepting the recommendation of the Assistant Collector, Grade-I, Pathankot. The aforementioned order was assailed by the defeated candidate before the Commissioner. However, the Commissioner has set aside the order. No reasoning, much less, cogent reason has come forward. The same was also assailed before the Financial Commissioner, but did not yield any result, therefore, the present writ petition. The petitioner being a lady has a preferential right viz-a-viz the private respondent, who has erroneously been appointed. The Collector had rightly given the benefit of the inheritance and therefore, the order could not be tinkered or set aside.

2. Ms. Monica Chhibber Sharma, DAG, Punjab and Mr. G.S. Nagra, learned counsel appearing on behalf of respondent No.6 submits that the order under

challenge is perfectly legal and justified. The private respondent was 47 years of age at that time and is also having 18 acres of land. The petitioner had wrongly attested the sale deed and FIR, in this regard, was also lodged and ultimately, the matter was compromised and therefore, the antecedents are not correct, thus, urges this Court for dismissal of the present writ petition as there is no illegality and perversity.

3. I have heard the learned counsel for the parties and appraised the paper book. The age of the petitioner at this stage is no doubt 69 years" old viz-a-viz the age of the appointed Numbardar must be around 56 years. The common person younger in age has more energy and potentiality to render the assistance to the villagers viz-a-viz the old age persons. It is also a matter of record that since 28.12.2008, Dinesh Singh is working, there has been no adverse report, in essence, according to the written statement of the State, the record has been impeccable.

4. For the foregoing reasons, I do not find any illegality and perversity in the impugned order, much less, no ground is made out for interference and accordingly, the present writ petition is dismissed.