
(1980) 07 P&H CK 0040
In the Punjab And Haryana At Chandigarh
Case No : R.O.A. No. 5 of 1978-79

Om Parkash

APPELLANT

Vs

Jaspal Singh

RESPONDENT

Date of Decision : 18-07-1980

Acts Referred:

Citation : (1981) PLJ 29 : (1986) RRR 409

Hon'ble Judges : N.Khosla, F.C.

Advocate : Mr. P.C. Mehta, Advocate., Advocates for appearing Parties

Judgement

N. Khosla, F.C.

1. This is an appeal against an order dated 2991978 of th Additional Commissioner, Jullundur Division.

2. The post of lambardar in village Chhuchhewal, tehsil Balachaur fell vacant on the death of Ram Singh and three candidates namely, Bihari Lal and Om Parkash both residents of village Chhuchhewal and Jaspal Singh resident of village Chandpur applied for selection in response to the proclamation made in the village. The Sub Divisional Officer, (Civil) Garhshankar made recommendation in favour of Om Parkash which the Collector accepted and appointed him lambardar by his order dated 921978. Jaspal Singh filed an appeal before the Additional Commissioner, Jullundur Division which was accepted on 2991978 and Jaspal Singh appointed lambardar in place of Om Parkash. Now Om Parkash has come up in appeal before me against this.

3. Learned counsel for the appellant states that Om Parkash was the nephew of the previous lambardar; that he was a graduate and respondent was only a matric; that respondent was not a resident of village Chhuchhewal but lived in another village, Chandpur Rurki; that the whole of Chhuchhewal supported Om Parkash and vehemently protested against the imposition of an outsider; that the character of Jaspal Singh was only verified by the people of Chandpur Rurki; that Om Parkash's uncle served in World War II; that he was a Ziledar in Irrigation

department and posted at Nawanshehar which was only 18 miles from his village; that he could easily perform the duties of lambardar by appointing a Sarbarah.

4. Learned counsel for the respondent on the other hand maintains that his client was a resident of Chhuchhewal and was easily available to perform the duties of lambardar, that appellant was posted away from these village and would not be in a position to perform the duties of a lambardar; that respondent owned more land than appellant; and that the Additional Commissioner had rightly appointed him.

5. I have heard arguments put forth by both sides and gone through the record. Jaspal Singh is an outsider and the Additional Commissioner had indeed erred in interfering with the choice of the Collector which was judicious and proper. Om Parkash is both well educated and acceptable to his community. His being posted away from the village is relevant but not overwhelmingly so. In this view, I accept the appeal of Om Parkash, set aside the order of the Additional Commissioner, Jullundur and uphold that of the Collector dated 921978.

Announced.