
(2006) 01 P&H CK 0139
In the Punjab And Haryana At Chandigarh
Case No : ROR No. 631 of 2004

Roshan Lal

APPELLANT

Vs

Sital Dass and others

RESPONDENT

Date of Decision : 09-01-2006

Acts Referred:

Citation : (2007) 1 RCR(Civil) 317

Hon'ble Judges : B.K.Srivastava, F.C.

Advocate : Sh. R.S. Chauhan, Advocate., Advocates for appearing Parties

Judgement

B.K. Srivastava, F.C.

1. This is a revision petition against order of Commissioner, Patiala Division dated 16.7.2004 vide which he dismissed appeal of the petitioner against order of District Collector dated 21.5.2003 and of Assistant Collector Grade1 Anandpur Sahib dated 3.12.2002 vide which respondent No. 1 Sital Dass was appointed as Lambardar of village Uprala Brahmpur, Tehsil Anandpur Sahib, District Roopnagar.

2. For the newly created post of Harijan Lambardar of this village only one application of respondent No. 1, Sital Dass was received in response to the proclamation made by Naib Tehsildar, Nangal. The Assistant Collector Grade1 (SDM), Anandpur Sahib considered the candidature of the applicant and appointed him as Lambardar of the village taking into consideration his qualification that he is under matric, belongs to scheduled caste, possesses 40 kanals of land in the village and is 59 years old. He recommended to the District Collector for issue of Sanad Lambardari vide reference dated 3.12.2002. Against this order Dasaundi Ram, Roshan Lal and Bawa Singh filed appeals before the District Collector who rejected the appeals on 21.5.2003. Roshan Lal filed appeal before Commissioner Patiala Division who dismissed the same on 16.7.2004. Hence the present revision petition before this Court.

3. The counsel for the petitioner says that the District Collector alone was competent to appoint Lambardar as per the Land Revenue Rules. In the instant

case SubDivisional Magistrate appointed the respondent No. 1 as Lambardar. Further no proclamation was made in the village but the Collector held that the proclamation was done in the village on 17.4.2002 and applications were invited within 15 days. The respondent No. 1 submitted his application on 26.7.2002 after lapse of prescribed period. Applications submitted within the prescribed period have not been considered and the application submitted after the expiry of the prescribed period has been considered only to deprive the other villagers from their chance to be considered against the vacancy of Lambardar. The petitioner is an exserviceman and has more educational qualifications. His father was held to be Jagirdar by Financial Commissioner, Revenue, Punjab as per certificate dated 24.7.1970 which shows that he has influence in the village.

4. It is on record that proclamation in the village was done on 6.3.2002 in which it was made clear that applications can be submitted within 15 days from the date of proclamation. 20.3.2002 was the last date for submission of applications. At page 1718 of Assistant Collector Grade1's file, the application of respondent No. 1 is of dated 26.7.2002 which is hopelessly timebarred. The application submitted after the expiry of the date cannot be considered. I find that the lower revenue officers have wrongly considered the application of respondent Sital Dass. Fresh proclamation for inviting applications was required if no application was received within the stipulated date. I, therefore, accept the revision petition and set aside the impugned orders of Commissioner, Collector and Assistant Collector Grade1, Anandpur Sahib vide which the appointment of respondent No. 1 was held to be valid. Tehsildar, Anandpur Sahib is directed to process the case by inviting applications after making proclamation afresh in the village.

Announced.