
(2019) 09 P&H CK 0003

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 22119 Of 2019

Sarabjit Singh

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 02-09-2019

Acts Referred:

Citation : (2019) 09 P&H CK 0003

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Aayush Arora, Sunny K. Singla

Final Decision : Dismissed

Judgement

Augustine George Masih, J

1. Challenge in this writ petition is to the order dated 07.07.2015 (Annexure P-4) passed by the Collector, Fatehgarh Sahib, appointing respondent No.5-Harbhajan Singh as the Lambardar of Village Dalo Majra, Hadbast No.153, Tehsil and District Fatehgarh Sahib, order dated 01.03.2016 (Annexure P-7) passed by the Commissioner, Patiala Division, Patiala dismissing the appeal of the petitioner, order dated 19.11.2018 (Annexure P-9) passed by the Financial Commissioner, Punjab, whereby the revision petition has also been dismissed.

2. Learned counsel for the petitioner contends that Village Dalo Majra consists of two Pattis namely Thulla Bhambu Khan Patti and Thulla Sodhian Patti. The village already has a Lambardar, who belongs to Bhambu Khan Patti. The second Lambardar, therefore, of the village should have been that of Thulla Sodhian Patti. Admittedly, respondent No.5 does not belong to Thulla Sodhian Patti and, therefore, could not have been appointed the Lambardar of the village. His further contention is that the Lambardar, who has expired i.e. Ravinder Singh, belongs to Thulla Sodhian Patti and, therefore, the petitioner, who belongs to that very patti, should have been appointed to the post of Lambardar. With the appointment of respondent No.5-Harbhajan Singh, both the Lambardars are now

from Bhambu Khan Patti. He, thus, contends that the appointment of respondent No.5 cannot sustain and deserves to be set aside.

3. Learned counsel for caveator-respondent No.5 has pointed out that the post which has been advertised was that of the Lambardar of Village Dalo Majra. It was not specified as to whether it related to a particular Patti of the village. Since the lambardari was for the village as a whole and proper advertisement in this regard had been carried out in both the Pattis, respondent No.5 had applied for the said post of Lambardar and has been duly selected finding him to be more meritorious keeping in view not only educational qualification but other factors also. He, thus, contends that there being no specified distinction between the appointment of Lambardar to a particular Patti, the candidature of respondent No.5 has rightly been taken into consideration. He, thus, prays that the writ petition be dismissed.

4. I have considered the submissions made by learned counsel for the parties and with their assistance, have gone through the records of the case.

5. The admitted facts are that the lambardari, which was advertised, was for Village Dalo Majra. It is also not in dispute that there are two Pattis of this village i.e. Bhambu Khan Patti and Thulla Sodhian Patti. In the advertisement, which had been issued and the munadi, which was carried out, lambardari was for the Village Dalo Majra. There was nothing pointed out that it would relate to any specified Patti.

6. If that be so, the plea of the counsel for the petitioner cannot be accepted that since one of the Lambardar, who is already working is from Bhambu Khan Patti, therefore, the other Lambardar should have been from Thulla Sodhian Patti. Candidates from both the Pattis, therefore, were eligible for consideration for appointment of Lambardar. Since respondent No.5 is more qualified educationally and otherwise also for appointment to the post of Lambardar, he has rightly been appointed the Lambardar of the village as petitioner is only 7th pass, whereas respondent No.5 is a matric pass and has done an I.T.I. diploma.

7. In view of the above, finding no merit in the writ petition, the same stands dismissed.