
(1991) 06 P&H CK 0015

In the Punjab And Haryana At Chandigarh

Case No : Miscellaneous No. 25 of 1990-91 in R.O.A. No. 1 of 1987-88

Sardul Singh

APPELLANT

Vs

Jagtar Singh

RESPONDENT

Date of Decision : 03-06-1991

Acts Referred:

Citation : (1992) PLJ 190 : (1992) 2 RRR 10

Hon'ble Judges : C.D Cheema, F.C.

Advocate : Naresh Katyal, Advocate, K.S. Dhaliwal, Advocate., Advocates for appearing Parties

Judgement

C.D. Cheema, FC.

1. The present appeal has been filed under section 13 of the Punjab Land Revenue Act, 1887 against the order of Commissioner, Jalandhar Division dated 8.9.1987 vide which appeal of the respondent was accepted and order of District Collector, Amritsar dated 5.2.1986, appointing the present appellant as lambardar, was set aside.

2. Briefly, the facts of this case are that a post of lambardar in, village Balhainwala, tehsil Patti fell vacant as it was reported that Kashmir Singh lambardar of that village was reported to have died and his name was removed from the register of lambardar vide order dated 8.1.1985. In response to proclamation S.D.O.(C), Patti reported that only one person namely, Jagtar Singh, came forward for the post who was recommended. However, at the time of hearing before the Collector, Amritsar Sardul Singh appeared and stated that he has been officiating as lambardar for about 20 years and, as such, he should be given preference over Jagtar Singh. The case was remanded by the District Collector on 28.5. 1985 for fresh enquiry with the direction that responsibility be fixed on revenue officers for not reporting the vacancy practically for 20 years. After remand the S.D.O.(C), Patti again recommended the name of Jagtar Singh. The District Collector, after examining the merits and demerits of the candidates, found that Sardul Singh was related to Kashmir Singh, the original lambardar

and had been collecting land revenue for practically 20 years. Though there was no order appointing Sardul Singh as sarpanch lambardar but it was a fact that he had collected land revenue for a number of years and was thus an experienced person. Sardul Singh had sufficient agricultural land which was good enough as a security for collection of revenue to be made by him. Keeping in view the experience gained by Sardul Singh he was appointed lambardar of village Bahlianwala by order dated 5.2.1986. Against this order Jagtar Singh filed an appeal before the Commissioner. After hearing the parties the learned Commissioner observed that Sardul Singh is illiterate but is Sarpanch of the, village whereas Jagtar Singh is matric having 37 kanals of land and his name was recommended by the S.D.O.(C). Being educated Jagtar Singh has edge over Sardul Singh and the Commissioner did not approve the combination of the post of sarpanch and lambardar in one person. So appeal was accepted and Jagtar Singh was appointed as lambardar vide order dated 8.9.1987, against which order the present appeal has been filed.

3. The learned counsel for the appellant submitted that the District Collector had rightly appointed the appellant after considering the comparative merits as the appellant was nephew of Kashmir Singh and had worked as lambardar. Election of appellant as Sarpanch of village shows that he was a popular figure in the village and should not be counted as disqualification and cited 1974PLJ476. In view of this, learned counsel submitted that appeal be accepted and order of District Collector, which is valid and should not have been interfered by the Commissioner, be restored.

4. The learned counsel for the respondent submitted that the name of his client was recommended by the S.D.O. (C) and was fit person to be appointed as lambardar being matric and holding 37 Kanals of land.

5. I have heard the learned counsel for the parties and have gone through the papers attached with the petition. The appellant Sardul Singh officiated as Lambardar without the order of any competent revenue officer. No doubt he is Sarpanch of the village and it is not a disqualification for the post of lambardar but when an equally competent, if not better, and independent candidate is available in the village then the post of lambardar and Sarpanch should not be combined in one for the convenience of public. In both the cases availability of Sarpanch, as well as Lambardar, is required to assist the village persons in their daytoday activities and visiting revenue officials. In case of nonavailability of only one person, due to some reason, the villagers will be put to a difficulty. In order to avoid such like eventuality it is appropriate if the two posts are not manned by one person as far as possible, especially when adequately qualified person is available to hold the other post.

6. In view of this there is no force in the appeal which is hereby dismissed.