

Girdhari Vs. Financial Commissioner Haryana and Others

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Court : Punjab and Haryana

Decided On : Dec-10-2012

Appellant : Girdhari

Respondent : Financial Commissioner Haryana and Others

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Civil Writ
Petition No.15094 of 2011 Date of decision :

10. 12.2012 GirdhariPetitioner VERSUS Financial Commissioner Haryana and
othersRespondents CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH 1

Whether Reporters of local papers may be allowed to see the judgement?.

2. To be referred to the Reporters or not?.

3. Whether the judgment should be reported in the Digest?.

Present: Mr.R.A.Sheoran, Advocate for the petitioner.

Mr.Sunil Nehra, Sr.DAG Haryana for the State Mr.Naveen S.

Bhardwaj, Advocate for respondent No.4 Mr.Jagjeet Beniwal, Advocate for
Mr.Sandeep Thakan, Advocate for respondent No.5 ***** RANJIT SINGH, J.

The petitioner was appointed as Sarbara Lambardar on 27.01.2004 by the Collector as his father was 90 years old.

After the death of his father, applications were invited for the post of Lambardar on 31.08.2006.

The name of the petitioner was recommended by the Assistant Collector and the Collector appointed the petitioner as Lambardar.

Respondents No.4 and 5 filed two appeals before the Commissioner and both were dismissed on 28.11.2008.

While dismissing the appeal, the Commissioner, however, decided to remand the case to the Collector to start de-novo proceedings after conducting fresh munadi in the village for filling up the post of Lambardar.

The reason which has been given by the Commissioner in this case while remanding the case is that the petitioner Girdhari is totally illiterate Civil Writ Petition No.15094 o

2. person and getting the old age pension.

He also found that Surender was not residing at the village and was resident of Delhi.

The Commissioner further found that the appellant before him could not be considered more eligible candidate than Gopi Ram candidate who withdrew in favour of Girdhari.

He, accordingly, set aside the order of appointment of the petitioner and directed the Collector to conduct de- novo proceedings after conducting fresh munadi in the village.

The Financial Commissioner while upholding the order passed by the Commissioner has further directed that the claim of all the candidates namely Kailash and Surender be considered within a period of three months from the date of this order.

The Commissioner and the Collector in my view both took notice of the fact that petitioner was acting as Sarbara Lambardar and that factor has weighed the Collector while appointing him as Lambardar.

Be that as it may, the Commissioner was not justified in passing an impugned order in a manner that petitioner is ineligible for consideration to the appointment to the post of Lambardar.

Ultimately it is the choice of the Collector which is material and the Collector had appointed the petitioner which was interfered with by the Commissioner.

I say nothing more than that and leave it to the Collector not to consider all the candidates including the petitioner for appointment to the post of Lambardar.

The Collector would be at liberty to appoint any one suitable for appointment to the post of Lambardar in accordance with law.

The writ petition is, accordingly, disposed of.

December 10, 2012 (RANJIT SINGH) reena JUDGE

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