

(2012) 10 P&H CK 0156

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 232 of 2012

Ajai Pal Singh

APPELLANT

Vs

Financial Commissioner,
Haryana and Others

RESPONDENT

Date of Decision: Oct. 17, 2012

Acts Referred:

- Penal Code, 1860 (IPC) - Section 420, 465, 467, 468, 471

Citation: (2013) 1 RCR(Civil) 749

Hon'ble Judges: Ranjit Singh, J

Bench: Single Bench

Advocate: R.P. Dahiya for Mr. C.R. Dahiya, for the Appellant; Kirti Singh, DAG Haryana for State and Mr. Shailendra Sharma, Advocate, for the Respondent

Final Decision: Dismissed

Judgement

Ranjit Singh, J.

Father of the petitioner namely Bachu Singh was Lambardar of Village Gehlab Tehsil Hathin District Palwal. A criminal complaint was registered against him under Sections 420/465/467/468/471 IPC. On the basis of complaint made against father of the petitioner, he was removed from the post of Lambardar. Applications were then invited for filling up the post of Lambardar. Three candidates namely Bijender Singh, Danveer and the petitioner submitted their applications. The Collector appointed Bijender Singh - respondent No. 4 to the post of Lambardar on 27.7.2009 by holding that son of the dismissed Lambardar can not be considered fit for the post of Lambardar. The petitioner filed an appeal against the same which was also dismissed on 16.02.2010. The revision filed by the petitioner was also dismissed. The petitioner, accordingly, has approached this Court through the present writ petition.

2. Learned counsel for the petitioner would contend that the order passed by the Collector and upheld by the various authorities is perverse as it is based on a

consideration which is not relevant for making the appointment.

3. On the other hand the counsel for the respondents would contend that it is not the only ground for which claim of the petitioner was declined. He submits that otherwise also, respondent No. 4 was found to be more meritorious and his merit being better, the Collector had appointed respondent No. 4 as Lambardar.

4. It may appear to be so, but it is equally noticeable that the Collector has taken into consideration that the father of the petitioner was removed from the post of Lambardar and this has certainly weighed with him to ignore the petitioner. This, in my view, was not the relevant consideration which could be taken while assessing the merits or demerits of respective candidates. The disqualification earned by father of the petitioner on account of criminal case registered against him can not be a taint on the petitioner. The petitioner has an independent life to live and has his own right to claim. Accordingly, some irrelevant considerations have percolated in the process of selection to the post of Lambardar and it may have to be excluded from consideration. In view of the above, this writ petition is disposed of with direction to remand the case to the Collector for fresh consideration. The Collector shall ignore the aspect of dismissal of father of the petitioner from the post of Lambardar while reassessing the case of appointment. The Collector, however, would be at liberty to consider the respective merits of the candidates concerned and shall further be at liberty to appoint respondent No. 4 if he finds him to be more meritorious. The fresh consideration would be confined to candidates who had earlier been under consideration and no fresh applications is to be invited.