



2024:PHHC:155366



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-31684-2024 (O&M)
Date of decision :25.11.2024

NACHHATTAR SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Puneet Sharma, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

HARSH BUNGER, J. [ORAL]

Petitioner (Nachhattar Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of certiorari for setting aside of order dated 07.10.2013 (Annexure P-4) passed by the learned Sub Divisional Magistrate-cum-Assistant Collector Ist Grade, Fatehgarh Sahib; order dated 04.04.2016 (Annexure P-8) passed by the learned District Collector, Fatehgarh Sahib; order dated 29.11.2017 (Annexure P-10) passed by the learned Commissioner, Patiala Division, Patiala and also the order dated 22.02.2024 (Annexure P-11) passed by the learned Financial Commissioner, Punjab, Chandigarh.

2. Briefly, on demise of Sh. Gurdial Singh, previous Lambardar of Village Reona Ucha, Tehsil and District Fatehgarh Sahib, proceedings were initiated for filling up the vacant post. In pursuance to the



proclamation made in the village, inviting applications from the interested candidates, various persons applied including the present petitioner and respondent No. 6, herein.

2.1 It appears that the learned Assistant Collector 2nd Grade, Fatehgarh Sahib recommended the name of the present petitioner for appointment to the afore-said vacancy; however, when the matter was before the learned Assistant Collector Ist Grade, Fatehgarh Sahib, an application was moved before him by respondent No.5-Satnam Singh, stating that no proclamation/*mustri munadi* was made in the village; whereupon, the learned Assistant Collector 1st Grade, Fatehgarh Sahib, vide order dated 07.10.2013 (Annexure P-4) remanded the case back for conducting fresh proclamation.

2.2 Feeling aggrieved against the afore-said order dated 07.10.2013 (Annexure P-4), the present petitioner preferred a revision before the learned Divisional Commissioner, who vide order dated 01.07.2014 (Annexure P-6) dismissed the petition. Thereafter, the petitioner preferred a revision petition (**ROR-633-2014**) before the learned Financial Commissioner, Punjab, which came to be disposed of vide order dated 08.01.2016 (Annexure P-7), by observing as under :-

“5. I have considered the arguments advanced by counsel for parties and the record available on the file. The petitioner directly filed the revision petition before Commissioner instead of filing the petition before District Collector, Fatehgarh Sahib who is the competent authority to decide the issue. Thus the present petition is disposed off without touching the merits, with the direction to parties to appear before District Collector, Fatehgarh Sahib on 15.02.2016. The Collector is directed to hear the parties on the issue of proclamation



first and decide case of appointment of Lambardar within two months period.”

2.3 In pursuance of order dated 08.01.2016 (Annexure P-7) passed by the learned Financial Commissioner, the learned Deputy Commissioner-cum-District Collector, Fatehgarh Sahib passed an order dated 04.04.2016 (Annexure P-8), allowing the application submitted by respondent No.5-Satnam Singh and maintaining the order for conducting fresh proclamation (*mustri munadi*) in the village for the purpose of inviting applications.

2.4 Being dis-satisfied with the order dated 04.04.2016 (Annexure P-8), the petitioner preferred an appeal before the learned Divisional Commissioner, Patiala Division, Patiala; however, the same was dismissed vide order dated 29.11.2017 (Annexure P-10). A further revision petition (**ROR-105-2018**) preferred by the petitioner before the learned Financial Commissioner, Punjab; has also been dismissed vide order dated 22.02.2024 (Annexure P-11) by observing as under :-

“... I am of the considered view that all the courts rightly ordered to make fresh Proclamation/Munadi in the village so that better candidates may come forward and no harm is caused to any of the parties if fresh proclamation is conducted in the village. In the process of selection of a candidate, a wide choice must be available to the concerned authority in order to appraise the merits and demerits of competing candidate and to find the best person, for being appointed as lambardar of the village. Therefore, I find nothing perverse and illegal in the orders passed by all the three courts. I do not found any merit in the present revision.”

2.5 In the afore-mentioned circumstances, the petitioner has filed the present writ petition before this Court, for the relief/s, as noticed here-in-above.



3. Heard.

4. At the outset, it is noticeable that petitioner-Nachhattar Singh, is about 80 years of age. The proceedings for filling up the vacant post of Lambardar of Village Reona Ucha, Tehsil and District Fatehgarh Sahib, were initiated more than 10 years ago and the same have not been finalized till date. Apparently, the proceedings have been pending at the instance of the petitioner, who has agitated that the *mustrimunadi* for inviting applications for the vacant post of Lambardar, was infact, carried out in the village; however, the said fact has been disputed by respondent No.5-Satnam Singh. It is further noticeable that initially, when the proceedings for filling up the vacancy were commenced, there were only two applicants i.e. the petitioner and respondent No.6-Kashmir Singh. The authorities have concurrently held that no prejudice would be caused to the petitioner, if a fresh *munadi* is ordered to be conducted in the village for inviting applications for the vacancy to the post of Lambardar of Village Reona Ucha, as the same shall widen the choice of better selection for the post of Lambardar.

5. Even otherwise, it is observed from the paper-book that the proclamation was ordered to be made through Chowkidar of the village by way of beating drum in loud voice and also by pasting a copy of the notice at the common place, which is visible to all the passers-by. Evidently, no copy of the notice has been placed on record and neither the name of the place where the said notice was pasted, is forthcoming. Therefore, it cannot be concluded that the proclamation for inviting applications to the vacant post of Lambardar of Village Reona Ucha, Tehsil and District Fatehgarh Sahib; was validly conducted.

6. In view of the above, I do not find any merit in the present



writ petition and the same is, accordingly, dismissed.

7. All pending applications (if any) shall also stand closed.

November 25, 2024
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No