

CWP-15231-2022

Date of Decision: 18.07.2022

**Sanjay Kumar**

....Petitioner

VS

**Jaipal and others**

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**Present:- Mr. D.R. Bansal, Advocate  
for the petitioner

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**SUDHIR MITTAL, J. (Oral)**

The matter was remanded to the Collector by the Commissioner vide order dated 02.04.2019. Post remand, order dated 15.05.2019 was passed by the Collector appointing respondent No. 1 as the Lambardar. Appeal and revision filed by the petitioner have failed and, thus, the present writ petition has been filed.

Learned counsel for the petitioner submits that the petitioner could not appear before the Collector as he was unwell. Medical certificate is on record. The same was also placed on record before the appellate and revisional authorities but they have erred in law in not taking the same into consideration. In the earlier round of litigation the petitioner had been appointed as the Lambardar. Thus, non-consideration of the candidature of the petitioner on account of his illness was perverse as he was unwell.

A perusal of the order of the Collector shows that the factum of absence of the petitioner has been noted, however, that has not been made the basis of the order. The petitioner has been found unsuitable for appointment as Lambardar as there was a criminal case registered against him and the Lok Ayukta, Haryana had found him guilty of embezzlement of panchayat funds, apart from an order passed in a contempt petition. It is, thus, incorrect to

