

**THE COURT OF FINANCIAL COMMISSIONER REVENUE
(COMMISSIONER AGRARIAN REFORMS)
JAMMU AND KASHMIR AT JAMMU**

<u>FILE NO</u>	<u>DATE OF INSTITUTION</u>	<u>DATE OF DECISION</u>
217/FC-AP	20.11.2006	20.01.2015

1) ISHER DASS S/O RAM SARAN R/O GARHI, TEHSIL AND DISTRICT REASI.
(PETITIONER)

VERSUS

1) DEPUTY COMMISSIONER, UDHAMPUR;
2) SUB DIVISIONAL MAGISTRATE, REASI;
3) TEHSILDAR, REASI;
4) LAL SINGH S/O ISHER DASS R/O CHANKAH, TEHSIL AND DISTRICT REASI.
(RESPONDENTS)

In the matter of:

Revision against the order dated 14.06.2006 passed by the Additional Commissioner (with powers of Divisional Commissioner) Jammu wherein the orders dated 28.10.2000 and 12.05.1994 passed by the Deputy Commissioner (Collector) Udhampur and order dated 30.09.1993 passed by the Tehsildar Agrarian Reforms, Reasi are upheld, with the prayer to allow the petitioner to continue as headman of the village Garhi, Tehsil and District Reasi till fresh elections are held in accordance with law.

For Petitioner --- Adv. Ajay Gupta & Adv. Jyoti Saroop
For Respondent No. 1-3 --- Nemo
For Respondent No. 4 --- Ex Parte

J U D G E M E N T

- 1) In brief, the controversy pertains to the appointment of Lambardar of village Garhi, Tehsil and District Reasi. The Tehsildar Agrarian Reforms, Reasi vide order dated 05.03.1992 had appointed the petitioner herein as temporary Lambardar of the said village but subsequently vide order dated 30.09.1993 terminated his services. This action of the Tehsildar was challenged by the petitioner in appeal before the Deputy Commissioner (Collector), Udhampur who vide order dated 12.05.1994 rejected the appeal and directed the SDM, Reasi to conduct fresh elections for the appointment of Lambardar. However, acting otherwise, the SDM, Reasi vide order dated 29.11.1996 allowed the petitioner to collect the land revenue of the village concerned.
- 2) Subsequently, on 15.09.2000, the petitioner herein moved the Deputy Commissioner (Collector), Udhampur requesting that he be paid remuneration in consideration of his services as temporary lambardar. After an examination of facts and circumstances of the case from the commencement of the issue, the Deputy Commissioner (Collector), Udhampur observed that the petitioner herein has made the application in a mischievous manner as his services stood terminated long back in 1993 by the Tehsildar AR, Reasi, and which was later confirmed by the then Deputy Commissioner (Collector), Udhampur.
- 3) Aggrieved, the petitioner herein filed a revision petition before the court of the Additional Commissioner (with powers of Divisional Commissioner) Jammu challenging the order dated 28.10.2000 passed by the Deputy Commissioner (Collector) Udhampur. The court below while examining the record observed that the order passed by the Deputy Commissioner (Collector), Udhampur is exhaustive and does not suffer from any legal infirmity. Therefore, the petitioner herein has no right to claim the post of Lambardar as he was only directed to collect the land revenue of the village by the SDM, Reasi. It was further observed that the order passed by the SDM, Reasi was ***non est*** as it violated the directions passed by the Deputy

Commissioner (Collector), Udhampur. Accordingly, the revision petition was dismissed and the orders impugned were upheld.

- 4) Dissatisfied, the petitioner herein has assailed the order passed by the court of the Additional Commissioner (with powers of Divisional Commissioner) Jammu on various grounds. This court has gone through the case file as well as the other connected record. It has been observed that the court below has rightly addressed the controversy and therefore, the impugned order needs no interference. Nonetheless, this court is of the considered opinion that the post of Lambardar be filled at an earliest.
- 5) Having considered the facts and circumstances, the revision petition fails and the order impugned is upheld. The case is remanded to the Tehsildar concerned for taking further appropriate necessary action under the J&K Lambardari Act, and rules made thereunder. In addition, the Tehsildar concerned is directed to appoint a substitute Lambardar till the elections to the post are held. The petitioner herein is also at liberty to put forth his claim for the post of a substitute Lambardar. No costs. Interim directions, if any, shall stand vacated. The case file be relegated to records after due completion.

Sd/-

**(Dr. Arun Kumar) IAS
Financial Commissioner Revenue
(Commissioner Agrarian Reforms)
Jammu and Kashmir, Jammu**

Announced today on this the **20th day of
January, 2014** under my hand and seal of
this Court