



In the Court of Additional Commissioner, Jammu
(With the powers of Divisional Commissioner)

(Rail Head Complex, Jammu)

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File No
112/Revision 2020-21

Date of Institution
28/03/2022

Date of Decision
29/03/2022

1. Jaswant Singh, Age 29 years S/o Sh. Davinder Singh, R/o Bhargi, Tehsil Gandoh, District Doda.

.....Petitioner

Versus

1. Tehsildar, Gandoh (Bhalessa)

....Respondent

IN THE MATTER OF:

Revision petition against the general advertisement / notification dated: 12.03.2022 issued by the Respondent calling for elections of Nambardar of Village Bhargi as the same is manifestly illegal, arbitrary, unjustified and issued by an authority incompetent in violation of Lambardari Act and Rules appurtenant thereto and for setting aside the same.

Further, directing the Respondent to formally appoint the petitioner as Nambardar of Village Bhadgi Tehsil Gandoh District Doda.

Any other relief which this Hon'ble Court may deem fit and proper in the interest of justice.

ORDER

29.03.2022: The present revision petition has been transferred to this court by the Learned Divisional Commissioner Jammu vide No. 801/Reader/DivCom/1681 dated 28.03.2022. While presenting the case Ld. Counsel for the petitioner reiterated the contents of the memo of the revision and prayed that the General advertisement / notification dated 12.03.2022 may be set aside, since in terms of Rule 14 of J&K Lambardari Rules 1980, the Revenue Minister is competent to notify general election of Lambardar duly published in the Government Gazette. He referred to the Rule 14 of The Jammu And Kashmir Lambardari Rules, 1980 which is as under:-

"Elections

1. A general Election of Lambardar shall be held in accordance with these rules, within such time and within such areas as may be prescribed by the Revenue Minister by a Notification in the Government Gazette.
2. Till a general election is held the existing Lambardars appointed against the permanent posts shall continue. The vacancies, if any may be filled by nomination.
3. Where a vacancy is ordered to be filled by election, such election shall take place in accordance with these rules and the Revenue Minister may, in respect of the vacancy so filled by selection, order, that no fresh election shall take place till the next election or till the constituency again fall vacant.

g/c websik.

Reader to
Additional Commissioner
Jammu

4. Subject to the provisions of sub-rule (2) where the vacancy is not filled by the election, the appointment to a vacant post of Lambardar shall be made by the Revenue Officer not below the rank of Tehsildar subject to confirmation by the collector.”

He also highlighted that the petitioner has also submitted resolution for appointment as temporary Lambardar on 23.11.2021 which needs to be considered.

During examination of the record available on the case file it has been observed that the Tehsildar Gandoh has issued the advertisement calling for the applications from the interested persons for making appointment of Lambardar of Village Bhidgi in view of vacancy caused due to death of Lambardar. Tehsildar Gandoh has not mentioned in the advertisement about the conduct of elections for the vacancy, as alleged by the Ld. Counsel for the petitioner. The Tehsildar has simply called applications of interested persons and not passed any order in the matter which could be assailed. In view of the observation made herein above, the present revision petition is disposed of with a direction to the Tehsildar Gandoh that he shall consider the application of the petitioner while appointing a suitable person under Rule 11 of The Jammu and Kashmir Lambardari Rules, 1980 and conduct the proceedings strictly in terms of law governing the subject. The case file be consigned to records after due completion. Copy of the order be sent to Tehsildar Gandoh for compliance.

**Announced
29.03.2022**

**Sd/-
Pawan Kumar Sharma, JKAS
Additional Commissioner, Jammu
[with the powers of Divisional Commissioner]**