

CWP No.10112 of 2006

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

CWP No.10112 of 2006
Date of decision: 28.01.2015

Angrej Singh

....Petitioner

Versus

Financial Commissioner (Appeals-I), Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. O.P. Hoshiarpuri, Advocate, for the petitioner.
Dr. Deepa Singh, Addl. A.G., Punjab.
Mr. Sandeep Jasuja, Advocate, for respondent No.2.
Mr. Navin Mahajan, Advocate, for respondent No.3.

PARAMJEET SINGH, J. (ORAL)

Instant civil writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 17.06.2002 (Annexure P-2) passed by District Collector, Ferozepur, and order dated 10.10.2005 (Annexure P-7) passed by Financial Commissioner (Appeals-I), Punjab.

Brief facts of the case are that to fill up the vacancy caused on account of death of Bahal Singh, Lambardar of village Billi Mar on 26.06.2000, applications were invited from interested persons by making publication/proclamation in the village after obtaining necessary sanction from the Collector. In response to the proclamation, ten

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persons applied for the post of Lambardar out of which five candidates withdrew their applications and one candidate did not come present. Thus, only four candidates, namely, Mangal Singh, Ram Chand, Darshan Singh and Angrej Singh remained in the fray. After completing formalities, matter came up for consideration before the Collector. The Collector after appreciating the comparative merit of the candidates found Ram Chand – respondent No.2 to be fit and suitable candidate and vide order dated 17.06.2002 (Annexure P-2) appointed him as Lambardar of the village. Aggrieved against the order of the Collector, petitioner – Angrej Singh filed an appeal before the Commissioner. The Commissioner vide order dated 25.02.2003 (Annexure P-3) allowed the appeal, set aside the order of the Collector and appointed petitioner as Lambardar of the village. Aggrieved against the order of the Commissioner, respondent No.2 preferred appeal before the Financial Commissioner, which has been allowed vide order dated 10.10.2005 (Annexure P-7), order of the Commissioner has been set aside and that of the Collector has been restored. Hence, instant writ petition.

I have heard learned counsel for the parties and perused the record.

A perusal of the record shows that District Collector after appreciating the comparative merit found respondent No.2-Ram Chand to be fit and suitable candidate and appointed him as such. It is a settled principle of law that the choice of the Collector cannot be lightly set aside. It can only be set aside if there is perversity or illegality in the

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impugned order of the Collector. Learned counsel for the petitioner has not been able to point out any perversity or illegality in the order passed by the District Collector. The finding of the District Collector has been affirmed by the Financial Commissioner.

In view of law laid down by Hon'ble the Supreme Court of India in the case of *Mahavir Singh Vs. Khiali Ram & others, 2009(3) SCC-439, Lila Ram Vs. Asa Ram, 1995 Lahore Law Times-29* followed by Division Bench of this Court in the case of *Phool Kumar Vs. State of Haryana and others, 2010(2) RCR (Civil) 819*, the choice of the District Collector cannot be lightly set aside.

In *Mahavir Singh's* case (supra) the Supreme Court of India has observed that there should be no interference with the choice made by the Collector in the matter of appointment of Lambardar even if two views are possible. It is only the prerogative of the Collector to compare the merits of the candidates for appointment to the post of Lambardar. Order of the Commissioner has been rightly set aside by the Financial Commissioner.

In view of above discussion, the present writ petition fails.

Dismissed.

No order as to costs.

(Paramjeet Singh)
Judge

January 28, 2015
R.S.