

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

CWP No. 14747 of 2011

Date of decision : 23.01.2015

Shamsher Singh

....Petitioner

V/s

State of Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gautam Kailey, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. Saroj Malakar, Advocate for
Mr. Vijay Pal, Advocate for respondent no. 5.

RAJAN GUPTA J.

Petitioner is aggrieved against orders Annexure P3 & P5 dated 15.11.2007 & 05.08.2010 passed by the Collector and Financial Commissioner, Haryana whereby respondent no. 5 was appointed as Lambardar of village Sisana.

Learned counsel for the petitioner has assailed the orders. He submits that Collector while considering respective merit wrongly appointed respondent no. 5 as Lambardar. Commissioner has rightly set-aside the order passed by Collector. According to him, petitioner is more meritorious than respondent no. 5 and Financial Commissioner has erred in reversing the order passed by the Commissioner. Impugned orders are, thus, unsustainable and deserve to be set-aside.

Plea has been opposed by learned counsel appearing for respondent no. 5. According to him, Financial Commissioner has rightly upheld the order passed by Collector.

Heard.

It appears that post of Lambardar fell vacant in village Sisana. Process was initiated to appoint a new person. Applications were received. On consideration of relative merit of candidates, Collector found Manoj Kumar (respondent no. 5 herein) to be more educated and young than other candidates. He also found that he had contributed more towards small saving schemes and family planning cases. Being more suitable, Collector vide his order dated 15.11.2007 decided to appoint Manoj Kumar as Lambardar of the village. Aggrieved, petitioner preferred appeal before the Commissioner, Rohtak Division. Vide order dated 05.02.2009, Commissioner allowed the appeal and set-aside the order of Collector and appointed petitioner as Lambardar of the village. Respondent no. 4 preferred revision before the Financial Commissioner, Haryana, who vide his order dated 05.08.2010 accepted the same and restored order passed by the Collector. Aggrieved, present petition has been filed.

I, however, find no infirmity with the impugned orders. Collector who is the appointing authority found respondent no. 5 as a suitable candidate for the post. Law is well settled that choice of Collector has to be given preference unless some grave illegality or perversity is pointed out with the orders passed. Writ petition is, thus, dismissed.

January 23, 2015
Ajay

(RAJAN GUPTA)
JUDGE