

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.19279 of 2010

Date of Decision:-26.05.2015

Sukhdev Raj.

.....Petitioner.

Versus

Financial Commissioner, Appeals-II, Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sandeep Arora, Advocate for the Petitioner.

Mr. Yatinder Sharma, Addl. AG Punjab.

Mr. R.S. Chauhan, Advocate for respondent no.4.

JASWANT SINGH, J.(ORAL)

Prayer in the present petition is for quashing the orders dated 26.05.2010 (**P-20**) passed by Financial Commissioner, Punjab, order dated 18.12.2007 (**P-18**) passed by Commissioner, Jalandhar Division, Jalandhar as well as order dated 3.10.2007 (**P-3**) passed by District Collector, Gurdaspur, whereby respondent no.4 has been ordered to be appointed as the Lambardar of village Jogewal Bedian by ignoring petitioner Sukhdev Singh.

Learned Counsel for the petitioner has argued that the Authorities below were wrongly influenced by the report submitted by AC Grade-I, Gurdaspur regarding the fact that petitioner is having his ration card and voter card of village Kalanaur where he has shifted his house 15 years ago, whereas, he is seeking appointment to the post of Lambardar for village Jogewal Bedian. It has been argued that the Authorities below have not discussed at all the documents produced by him which show that his ration card, electricity bills, voter card, pension card etc., are all of village

Jogewal Bedian, where, he is ordinarily residing and he is only having some land in village Kalanaur and, therefore, the findings and observations of the Authorities below for discarding his candidature for the post of Lambardar are incorrect and against law and, therefore, liable to be set aside.

On the other hand learned Counsel for the respondent no.4 has supported the findings given by the Authorities below by arguing that the Collector had appointed Ranjit Singh-respondent no.4 to the post of Lambardar and it is settled position of law that if Collector, who is the appointing authority has appointed any person as Lambardar then the Higher Courts will not interfere in the discretion exercised by the Collector, until and unless it is found to be patently perverse.

After hearing learned Counsel for the parties and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and the same deserves to be dismissed.

A perusal of the paper book would reveal that District Collector had appointed respondent no.4-Ranjit Singh as Lambardar by calling for a report from Assistant District Food and Supply Officer, Kalanaur, who had stated that petitioner-Sukhdev Raj had a ration card in his name bearing number 303022 of Village Kalanaur. Although, argument raised by learned Counsel for the petitioner to the effect that the Authorities below have not considered the documents relied upon by him, which shows that he is ordinarily residing in village Jogewal Bedian instead of village Kalanaur, seems to be prima facie correct, however, the said facts will not have any material bearing on the case in hand, because admittedly the process for appointment of Lambardar was initiated on 30.06.2006 and at that point of time, as per the record of village Kalanaur, the petitioner was having a ration card thereof. Further, if the petitioner is having documents showing his permanent residence at village Jogewal Bedian as well, this does not conclusively prove that the petitioner is a permanent resident of village Jogewal Bedian only, especially in view of Ration Card of Village Kalanaur. The Authorities were correct in coming to a conclusion that having a ration card of two villages creates a doubt in the mind of the authorities as to whether the petitioner is a permanent resident of village Jogewal Bedian or not. Not only this, the Authorities, while ordering the respondent no.4-Ranjit Singh's appointment as Lambardar had also

observed that Ranjit Singh is younger in age to petitioner and thus petitioner cannot serve the people of village for a longer time. Therefore, this Court does not find any illegality or infirmity in the orders passed by the Authorities below.

Even otherwise, it is settled position of law that if in the order passed by the Collector, there seems to be no error of jurisdiction, law or perversity on the face of it, then the higher Authorities, including the High Court, should not interfere in the order passed by the Collector. In the present case, as observed earlier, the Order passed by the Collector is well reasoned and does not suffer from any arbitrariness or mala-fide and thus, the same are hereby affirmed.

In view of the above finding no merit in the present writ petition the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

May 26, 2015
Vinay