

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

CWP No. 12540 of 2014

Date of decision : 05.01.2015

Paramjit Singh

....Petitioner

V/s

Financial Commissioner, Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sarabjit Singh Hira, Advocate for the petitioner.

Mr. Yatinder Sharma, Addl. A.G. Punjab.

Mr. Sherry K. Singla, Advocate for respondent no. 4.

RAJAN GUPTA J.

Petitioner is aggrieved by order passed by Financial Commissioner, Punjab, operative part whereof reads as under:-

"7. In my view, the choice of District Collector, Hoshiarpur appointing Paramjit Singh as Lambardar of village is not in consonance with prevailing well established practice that an employed person can hardly afford time for the public duties as Lambardar, such a person has to remain busy on his job from 9 am to 5 pm. In these circumstances, I have no option but to set aside the orders of Collector appointing Paramjit Singh as Lambardar. In my view, Harbhajan Singh can spare time to attend the duties of Lambardar. Thus, I appoint Harbhajan Singh as Lambardar and accept his revision petition. The revision petition of Daljit Singh is dismissed and order dated 9-10-2007 of District Collector as well as order dated 10-4-2008 of Commissioner, Jalandhar Division, Jalandhar are set aside."

Petitioner has assailed the order on the ground that employment in government service is no bar for a person to be

appointed as Lambardar. According to him, availability of petitioner can be of no concern as he is employed in a bank in the village itself.

Plea is opposed by counsel appearing for respondent no. 4. According to him, petitioner remains employed from 9:00 am to 5:00 pm. He is, thus, not in a position to spare time to carry out duties of Lambardar.

I have heard learned counsel for the parties.

It appears that after death of Kehar Singh, previous Lambardar of village, process for appointing a new person was initiated. After considering relative merit, Collector Hoshiarpur came to the conclusion that Paramjit Singh was suitable candidate for the post. He, thus, directed his appointment. Order was unsuccessfully challenged before Commissioner, Jalandhar Division. Respondent no. 4 preferred revision petition before Financial Commissioner, Punjab. Financial Commissioner came to the conclusion that Harbhajan Singh was better suited for the post as petitioner was employed as Peon in a bank thus, he remained busy from 9:00 am to 5:00 pm.

It is inexplicable how Financial Commissioner came to the conclusion that respondent no. 4 was a better candidate than Paramjit Singh. Only Collector would be in a position to assess relative merit of the candidates on the basis of reports received from lower revenue authorities and after getting views of inhabitants of the village. Under the circumstances, I deem it fit to set-aside the orders passed by Commissioner and Financial Commissioner, Punjab. Matter is remitted to Deputy Commissioner for reconsideration and decision afresh after hearing the parties.

He shall also be at liberty to initiate fresh process for selection in case none of the candidates is found suitable/competent to man the post of Lambardar.

Allowed in aforesaid terms.

January 05, 2015

Ajay

(RAJAN GUPTA)
JUDGE