

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

CWP No. 1775 of 2013

Date of decision : 08.01.2015

Hardev Guru

....Petitioner

V/s

The Financial Commissioner, Cooperation, Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Chauhan, Advocate for the petitioner.

Mr. V. Ramswaroop, Addl. A.G. Pb.

Mr. G.S. Nagra, Advocate for respondent no. 4.

RAJAN GUPTA J.

Present petition has been filed for issuance of writ in the nature of certiorari for quashing of order, Annexures P13 dated 08.05.2012 whereby respondent no. 4 was ordered to be appointed as Lambardar of the village.

Learned counsel for the petitioner has assailed the order. He submits that respondent no. 4 was involved in two criminal cases at the time of consideration of his candidature for the post of Lambardar. He submits that authority below has committed a grave error while appointing respondent no. 4 as Lambardar. Impugned order is, thus unsustainable and deserves to be set-aside.

Plea has been vehemently opposed by learned counsel representing respondent no. 4. He submits that respondent no. 4

has already been acquitted in the criminal cases. There is no infirmity with the impugned order. Same is sustainable.

Heard.

Brief factual background of the case is that after death of Lambardar of village Masani, Tehsil Phillaur, District Jalandhar process for fresh appointment was initiated. After considering relative merit of candidates, Collector vide his order dated 12.10.2004 appointed respondent no. 4 as Lambardar of the village. Dis-satisfied by the said order, petitioner filed appeal before the Commissioner, Jalandhar Division who vide his order dated 01.08.2005 accepted the same and set-aside the order of Collector and appointed petitioner as Lambardar of village. Aggrieved, respondent no. 4 preferred revision before the Financial Commissioner who found both the candidates ineligible. He vide his order dated 15.12.2006 directed Collector, Jalandhar to initiate the process afresh for appointment. Two review applications were filed against this order but the same were dismissed on 26.02.2010. Petitioner and respondent no. 4 preferred two writ petitions (CWP No. 8197 of 2010 & CWP No. 8765 of 2010) before this court. Said petitions were clubbed together. This court set-aside the order dated 15.12.2006 and remitted the matter to Financial Commissioner to decide the same in accordance with law. The parties, thereafter, appeared before the said authority through their counsel. After considering rival contentions, Financial Commissioner vide impugned order directed respondent no. 4 be appointed as Lambardar as he was more suitable.

After hearing counsel for the parties, I am of the considered view that impugned order is sustainable in law. It appears that after the matter was remanded by Single Bench of this court, Financial Commissioner after considering relative merits, appointed respondent no. 4 as Lambardar of village. I find no infirmity with the order. Admittedly, petitioner is working as stamp-vendor at a place far away from the village. It is evident that he would not be able to devote required time for the post of Lambardar. No interference in writ jurisdiction is called for. Dismissed.

January 08, 2015
Ajay

(RAJAN GUPTA)
JUDGE