

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 17136 of 2015

Date of Decision: August 19, 2015

Jasbir Kumar

... Petitioner

Versus

Financial Commissioner, Revenue, Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. G.S. Nagra, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the order dated 27.08.2009 (Annexure P/1) passed by respondent no.3 – District Collector, Rupnagar, appointing respondent no.4 – Nirmal Kumar as Lambardar of Village Kalsera, Tehsil Nangal, District Rupnagar, order dated 27.10.2010 (Annexure P/3) passed by respondent no.2 – Commissioner (Appeals) Patiala Division, Patiala and order dated 30.10.2014 (Annexure P/6) passed by Financial Commissioner, Appeals, Punjab whereby appeal and revision filed by the

petitioner have been dismissed.

Brief facts of the case are that to fill up the vacancy caused on account of death of Ram Kishore, previous Lambardar of Village Kalsera, Tehsil Nangal, District Rupnagar, applications were invited from the interested persons by making proclamation in the village. In pursuance of the proclamation, six applications were submitted by Nirmal Kumar son of Shadi Lal, Ram Murti son of Babu Ram, Jasvir Singh son of Raja Ram, Moti Lal son of Surinder Nath, Naresh Kumar son of Ram Kishore and Haripal Bali son of late Sh. Ram Kishore Bali. The Collector, after appreciating the comparative merit of the candidates found Nirmal Kumar – respondent no.4 to be fit and suitable candidate and vide order dated 27.08.2009 (Annexure P/1) appointed him as Lambardar of the village. Against the order (Annexure P/1), petitioner preferred an appeal before the Commissioner. The Commissioner, Patiala Division, Patiala vide order dated 27.10.2010 (Annexure P/3) dismissed the appeal. Thereafter, petitioner preferred a R.O.R. before the Financial Commissioner, which has also been dismissed vide order dated 30.10.2014 (Annexure P/6). Hence, instant writ petition.

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

In view of law laid down by Hon'ble the Supreme Court of

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 Hon'ble 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. There are concurrent findings recorded by the revenue authorities.

Learned counsel for the petitioner has not been able to point out any perversity or illegality in the orders passed by the Collector. The findings of the Collector have been affirmed by the Commissioner as well as Financial Commissioner.

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

Dismissed in limine. No order as to costs.

August 19, 2015
vkd

[Paramjeet Singh]
Judge