

CWP No.17266 of 2015

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

CWP No.17266 of 2015
Date of decision: 20.08.2015

Satnarian

....Petitioner

Versus

Financial Commissioner, Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Chanderhas Yadav, Advocate, for the petitioner.

PARAMJEET SINGH, J. (ORAL)

Instant civil writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 04.03.2014 (Annexure P-5) passed by District Collector, Rewari, appointing respondent No.4 – Krishan Kumar as Lambardar of village Sudhrana, Tehsil Kosli, District Rewari, order dated 24.07.2014 (Annexure P-6) passed by Commissioner, Gurgaon Division, Gurgaon, and order dated 29.04.2015 (Annexure P-7) passed by Financial Commissioner, Haryana, whereby appeal and revision petition, respectively, 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 Nivas, Lambardar of village Sudhrana, Tehsil

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Kosli, District Rewari, applications were invited from interested persons by making publication/proclamation in the village after obtaining necessary sanction from the Collector. After completing formalities, matter came up for consideration before the Collector. The Collector after appreciating the comparative merit of the candidates found petitioner to be fit and suitable candidate and vide order dated 26.03.2013 (Annexure P-1) appointed him as Lambardar of the village. Aggrieved against the order of the District Collector, respondent No.4 filed an appeal before the Commissioner. The Commissioner vide order dated 28.11.2013 (Annexure P-2) allowed the appeal, set aside the order dated 26.03.2013 (Annexure P-1) passed by District Collector and remanded back the case to the District Collector for fresh decision. District Collector, Rewari, vide impugned order dated 04.03.2014 (Annexure P-5) appointed respondent No.4 as Lambardar of the village. Against the order of the District Collector, petitioner preferred appeal before the Commissioner, Gurgaon Division, Gurgaon, which was dismissed vide impugned order dated 24.07.2014 (Annexure P-6). Petitioner further filed revision before the Financial Commissioner, which has also been dismissed vide impugned order dated 29.04.2015 (Annexure P-7). Hence, instant writ petition.

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

From the perusal of record it is clear that District Collector considered the comparative merits of the candidates. There are so many

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de-merits in the record of the petitioner. He is the defaulter of Punjab National Bank. A release deed was got registered by him by concealing the material facts. Besides this, an FIR under the Excise Act has also been registered against the petitioner.

Learned counsel for the petitioner submits that he has been issued no objection certificate by the bank as he has already paid the outstanding amount and has been acquitted in the FIR under the Excise Act.

Contention raised by learned counsel for the petitioner is not maintainable, as record of the candidates is seen upto the date of submission of the application. There is nothing on record that petitioner has been issued the no objection by the bank and has been acquitted before submission of application for the post of Lambardar.

A perusal of the record shows that all the authorities have recorded concurrent findings. The District Collector after appreciating the comparative merits found respondent No.4-Krishan Kumar to be fit and suitable candidate and appointed him as such. It is a settled principle of law that the choice of the Collector cannot be lightly set aside. It can only be set aside if there is perversity or illegality in the impugned order of the Collector. Learned counsel for the petitioner has not been able to point out any perversity or illegality in the order passed by the District Collector. The finding of the District Collector has been affirmed by the Commissioner as well as Financial Commissioner.

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

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India in the case of *Mahavir Singh Vs. Khiali Ram & others, 2009(3) 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 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.

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

Dismissed in limine.

No order as to costs.

August 20, 2015
R.S.

(Paramjeet Singh)
Judge