

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

CWP No. 18277 of 2014

Date of decision : 21.01.2015

Sushil Kumar

....Petitioner

V/s

The Financial Commissioner, Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana
for respondents no. 1 to 3.

Mr. Ashwani Gaur, Advocate for respondent no. 4.

RAJAN GUPTA J.

Petitioner has impugned orders passed by authorities appointing respondent no. 4 as Lambardar of village Kaliawas.

Learned counsel for the petitioner has assailed the order. According to him, he is more meritorious than respondent no. 4. His candidature has been rejected merely on the ground that he is resident of Sultanpur. According to him, orders are unsustainable.

Plea has been vehemently opposed by Mr. Gaur learned counsel representing respondent no. 4. He submits that petitioner has not approached this court with clean hands. Before approaching this court on 31.08.2014, petitioner had already been appointed as Lambardar of village Sultanpur. According to him, there is sufficient proof on record that petitioner actually is resident of village Sultanpur.

I have heard learned counsel for the parties.

It appears that post of Lambardar fell vacant in village Kaliawas. Process was initiated to appoint a new person. Applications were received. Primarily candidature of petitioner and respondent no. 4 was considered. On consideration of relative merit of candidates, Collector found that Rattan Singh (respondent no. 4 herein) had contributed towards government schemes and family planning cases. Being more mature, he was a better candidate. Thus, he decided to appoint Rattan Singh as Lambardar of the village. Order of the Collector was unsuccessfully challenged before Commissioner and Financial Commissioner. I find no infirmity with the orders passed. Law is well settled that choice of Collector has to be given preference unless some grave illegality or perversity is pointed out with the orders passed. Writ petition is, thus, dismissed.

However, before parting with the order, it is necessary to notice that petitioner has not disclosed in the writ petition that he was already a Lambardar of village Sultanpur. He was appointed on 05.08.2014 while instant writ petition was preferred on 31.08.2014. It is evident that petitioner has not approached this court with clean hands. Writ petition is thus, dismissed with ₹25,000/- as costs. Same be remitted to Haryana State Legal Services Authority.

January 21, 2015
Ajay

(RAJAN GUPTA)
JUDGE