

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

CWP No. 2013 of 2014

Date of decision : 02.03.2015

Darshan Singh

....Petitioner

V/s

Financial Commissioner, Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vikas Mehsempuri, Advocate for the petitioner.

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

Mr. Sanjiv Gupta, Advocate for respondent no. 4.

RAJAN GUPTA J.

Petitioner is aggrieved by orders, Annexures P5, P7 & P9 dated 07.09.2011, 06.12.2012 & 24.07.2013 respectively passed by respondents no. 3, 2 & 1 whereby respondent no. 4 was appointed as Lambardar of village.

Learned counsel for the petitioner has assailed the orders. He submits that petitioner was the only suitable candidate for appointment as Lambardar being more meritorious. According to him, authorities below have failed to consider merit of the petitioner and committed a grave error while appointing respondent no. 4 as Lambardar. According to him, impugned orders are unsustainable and, thus, deserve to be set-aside.

Plea has been vehemently opposed by learned counsel representing respondent no. 4. He submits that there is no infirmity with the impugned orders. Same are sustainable.

I have heard learned counsel for the parties.

It appears that after death of Bhag Singh, lambardar of village Bakhopir, process was initiated to appoint a new person. In response to proclamation, five applications were received. Three candidates remained in the fray including petitioner, respondent no. 4 and one Chamkaur Singh. On consideration of relative merit of candidates, Collector found Jaswinder Singh (respondent no. 4 herein) to be more suitable than other candidates as he was more educated and young. Thus, Collector vide his order dated 07.09.2011 decided to appoint Jaswinder Singh as Lambardar of the village. Petitioner preferred appeal before the Commissioner, Patiala Division. Vide order dated 06.12.2012, Commissioner dismissed the appeal and upheld the order of Collector whereby respondent no. 4 was appointed. Order was unsuccessfully challenged before the revisional authority. Aggrieved, present petition has been filed.

I find no infirmity with the impugned orders. Collector who is the appointing authority found respondent no. 4 as a suitable candidate for the post. Law is well settled that choice of Collector has to be given preference unless some grave illegality or perversity is found with the orders passed. At the initial stage, Collector considered relative merit of candidates. After considering the same, he found that respondent no. 4 was better educated and is younger in age. Keeping in view all factors, I am of the considered view that Collector arrived at the right conclusion. There is, thus, no scope for interference in writ jurisdiction. Dismissed.

March 02, 2015

Ajay

(RAJAN GUPTA)
JUDGE