

C.W.P. No. 21673 of 2015

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In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 21673 of 2015

Date of Decision: October 09, 2015

Hira Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. J.P. Sharma, 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 21.12.2010 (Annexure P/1) passed by respondent no.4 – Collector, Mahendergarh at Narnaul, appointing respondent no.5 – Satya Narain as Lambardar of Village Chamdhera, Tehsil and District Mahendergarh, order dated 12.08.2011 (Annexure P/2) passed by respondent no.3 – Commissioner Gurgaon Division, Gurgaon and order dated 09.10.2013 (Annexure P/3) passed by respondent no.2 - Financial Commissioner, Haryana whereby appeal and

revision, 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 Chander, previous Lambardar of Village Chamdhera, Tehsil and District Mahendergarh, applications were invited from the interested persons by making proclamation in the village. In pursuance of the proclamation, four applications were submitted by Satya Narain son of Ram Chander, Hira Singh son of Chandgi Ram, Sheesh Ram son of Pat Ram and Jagdish Prasad son of Dharam Chand. The Collector, after appreciating the comparative merit of the candidates found Satya Narain – respondent no.5 to be fit and suitable candidate and vide order dated 21.12.2010 (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, Gurgaon Division, Gurgaon vide order dated 12.08.2011 (Annexure P/2) dismissed the appeal. Thereafter, petitioner preferred an R.O.R. before the Financial Commissioner, which has also been dismissed vide order dated 09.10.2013 (Annexure P/3). Hence, instant writ petition.

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

All the revenue authorities have found respondent no.5 suitable for appointment as Lambardar.

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

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 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. In the present case, there are concurrent findings recorded by the revenue authorities upholding the choice 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 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.

October 09, 2015
vkd

[Paramjeet Singh]
Judge