

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

CWP No. 26167 of 2013

Date of decision : 09.01.2015

Sarwan Singh @ Swaran Singh

....Petitioner

V/s

Financial Commissioner, Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vishal Sharma, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. Rakesh Gupta, Advocate for respondents no. 4.

RAJAN GUPTA J.

Petitioner seeks a writ in the nature of certiorari seeking quashing of orders Annexures P1, P2 & P4 dated 10.04.2012, 04.12.2012 & 05.09.2013 respectively whereby respondent no. 4 was ordered to appointed as Lambardar of the village.

Learned counsel for the petitioner has assailed the orders. He submits that authorities below have not taken into consideration the fact that petitioner has the requisite qualification to perform the job of Lambardar being ex-Sarpanch of the village. According to him, authorities below have committed a grave error while appointing respondent no. 4 as Lambardar. Impugned orders are unsustainable and, thus, deserve to be set-aside.

Plea has vehemently opposed by learned counsel for respondent no. 4. He submits that orders passed by the authorities below suffer from no infirmity.

Heard.

Brief factual background of the case is that after death of Lambardar of village Thehbanehra, process for fresh appointment was initiated. In response to proclamation, petitioner and respondent no. 4 applied for the post. After following due process, A.C. IInd Grade and A.C. Ist Grade recommended the name of Bhura Singh (respondent no. 4 herein) as suitable candidate for the vacant post. After considering relative merit, Collector found all the candidates ineligible and vide his order dated 12.01.2011 remanded the matter to A.C. Ist Grade to make fresh recommendation for the post from general category. Said order was challenged by respondent no. 4 before Commissioner, Ambala Division who vide his order dated 23.02.2011, appointed respondent no. 4 as Lambardar. Dis-satisfied by the said order, petitioner preferred appeal before respondent no. 1. Said authority set-aside the orders passed by lower revenue authorities and remanded the matter to Collector for decision afresh after taking into consideration relative merits of the candidates. On remand, Collector reconsidered the issue and vide his order dated 10.04.2012 appointed respondent no. 4 as Lambardar of the village. Said order was unsuccessfully challenged before the appellate and revisional authority. Aggrieved, present petition has been filed.

It is evident that Collector initially found all the candidates ineligible. Said order was challenged before Commissioner who appointed respondent no. 4 as Lambardar. When the matter came up before the Financial Commissioner, he remanded the matter to Collector for decision afresh. Pursuant to remand order, Collector chose respondent no. 4 as a suitable

candidate for the post after considering merits and demerits of all the candidates. Same has been upheld by appellate and revisional authorities. In my considered view, orders passed by the authorities below do not suffer from any perversity. It is well settled that once an appointment of Lambardar is made by Collector, same cannot be interfered with unless there is some grave illegality or perversity. No interference in writ jurisdiction is called for. Dismissed.

January 09, 2015
Ajay

(RAJAN GUPTA)
JUDGE