

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 23258 of 2015

Date of Decision: November 16, 2015

Harpal Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Pankaj Bali, Advocate,
for the petitioner.

Mr. Naresh Gopal Sharma, Advocate,
for the caveator-respondent No.4.

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 30.01.2014 (Annexure P/1) passed by respondent no.3 – District Collector, Ludhiana, appointing respondent no.4 – Jagdev Singh as Scheduled Caste Lambardar of Village Khanna, Tehsil Khanna, District Ludhiana, order dated 03.03.2015 (Annexure P/2) passed by respondent no.2 – Divisional Commissioner, Patiala Division, Patiala and order dated 22.07.2015 (Annexure P/3) passed by

respondent no.1 - Financial Commissioner, Punjab whereby appeal and revision 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 Mahinder Singh Panchhi, previous Scheduled Caste Lambardar of Village Khanna, Tehsil Khanna, District Ludhiana, applications were invited from the interested persons by making proclamation in the village. In pursuance of the proclamation, twelve applications were submitted by the applicants. The Collector, after appreciating the comparative merit of the candidates found Jagdev Singh – respondent no.4 to be fit and suitable candidate and vide order dated 30.01.2014 (Annexure P/1) appointed him as Scheduled Caste Lambardar of the village. Against the order (Annexure P/1), petitioner preferred an appeal before the Commissioner. The Commissioner, Patiala Division, Patiala vide order dated 03.03.2015 (Annexure P/2) dismissed the appeal. Thereafter, petitioner preferred a R.O.R. before the Financial Commissioner, which has also been dismissed vide order dated 22.07.2015 (Annexure P/3). Hence, instant writ petition.

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

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

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. There are concurrent findings recorded by the revenue authorities.

Learned counsel for the petitioner has not been able to point out any perversity or illegality in the orders 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.

November 16, 2015
vkd

[Paramjeet Singh]
Judge