

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 26473 of 2015

Date of Decision: December 19, 2015

Kulbir Singh @ Kulvir Singh

... Petitioner

Versus

Kewal Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Arun K. Bakshi, 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 04.10.2011 (Annexure P/1) passed by respondent no.4 – District Collector, Jalandhar, appointing respondent no.1 – Kewal Singh as Lambardar of Village Sarhali, Tehsil Phillaur, District Jalandhar, order dated 20.01.2014 (Annexure P/2) passed by respondent no.3 – Commissioner, Jalandhar Division, Jalandhar and order dated 26.05.2015 (Annexure P/3) passed by respondent no.2 -

filed by the petitioner have been dismissed.

Brief facts of the case are that to fill up the vacancy caused on account of dismissal of Assa Singh, previous Lambardar of Village Sarhali, Tehsil Phillaur, District Jalandhar, applications were invited from the interested persons by making proclamation in the village. In pursuance of the proclamation, 8 applications were submitted by the applicants. The Collector, after appreciating the comparative merit of the candidates found Kewal Singh – respondent no.1 to be fit and suitable candidate and vide order dated 04.10.2011 (Annexure P/1) appointed him as Lambardar of the village. Against the order (Annexure P/1), petitioner and respondent no.5 preferred two separate appeals before the Commissioner. The Commissioner, Jalandhar Division, Jalandhar vide order dated 20.01.2014 (Annexure P/2) dismissed both the appeals by a common order. Thereafter, petitioner and respondent no.5 preferred separate R.O.Rs. before the Financial Commissioner, which have also been dismissed by a common order vide order dated 26.05.2015 (Annexure P/3). Hence, instant writ petition.

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner vehemently argued that petitioner has retired as a headmaster and he is a competent person to discharge the duties of the Lambardar. Learned counsel relies upon a

judgment of this Court in **Ramandeep Singh vs. Financial Commissioner, Revenue Punjab and another, 2015(1) RCR (Civil) 696.**

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

The Collector, after considering the comparative merit of the candidates, came to the conclusion that Kewal Singh – respondent no.1 herein, is a better candidate and is available in the village at the time of need and his name was also recommended by the village community, as well as, panchayat. The Collector has also recorded a finding that Kewal Singh has good influence in the village and is a mature man. Whereas, with regard to the petitioner, finding has been recorded by the Collector that Kulvir Singh is serving as Headmaster at Public School, Jandiala and he may not be available at the time when his services are required.

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

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.

The judgment cited by the learned counsel for the petitioner is not applicable in the peculiar facts and circumstances of the instant case. Otherwise also, young energetic person is to be preferred for the post of Lambardar. The petitioner is much older person than respondent no.1.

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.

December 19, 2015
vkd

[Paramjeet Singh]
Judge