

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

CWP No. 3620 of 2014

Date of decision : 19.02.2015

Baldev Singh

....Petitioner

V/s

Financial Commissioner, Revenue, Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. H.S. Dhandi, Advocate for the petitioner.

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

Mr. G.S. Punia, Sr. Advocate with
Ms. Mandeep Kaur Kahlon, Advocate
for respondent no. 4.

RAJAN GUPTA J.

Petitioner is aggrieved by orders, Annexures P2, P4 & P6 dated 22.01.2010, 29.02.2012 & 24.07.2013 respectively passed by Collector, Commissioner and Financial Commissioner, Punjab whereby respondent no. 4 was appointed as Lambardar of village Gurditpura.

Learned counsel for the petitioner has assailed the orders. He submits that Collector while considering respective merit wrongly appointed respondent no. 4 as Lambardar. According to him, Financial Commissioner has dismissed the revision only on the ground of limitation. Impugned orders are, thus, unsustainable and deserve to be set-aside.

Plea has been vehemently opposed by learned senior 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 post of Lambardar fell vacant in village Gurditpura. Process was initiated to appoint a new person. Applications were received. On consideration of relative merit of candidates, Collector found Amrik Singh (respondent no. 4 herein) to be more suitable candidate than other candidates. He also found that lower revenue authorities had also recommended his name. Thus, Collector vide his order dated 22.01.2010 decided to appoint Amrik Singh as Lambardar of the village. Petitioner preferred appeal before the Commissioner, Patiala Division. Vide order dated 29.02.2012, Commissioner dismissed the appeal and upheld the order of Collector whereby respondent no. 4 was appointed. Petitioner preferred revision before the Financial Commissioner after more than one year of passing of order by Commissioner. Said authority came to the conclusion that petitioner had not been able to explain sufficient reasons for the delay in filing the revision and thus dismissed the same in limine. Aggrieved, present petition has been filed.

I, however, 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 pointed out with the orders passed. Besides, there was inordinate delay on part of the petitioner in invoking revisional

jurisdiction of the Financial Commissioner. Writ petition is, thus,
without any merit and is dismissed.

February 19, 2015

Ajay

(RAJAN GUPTA)
JUDGE