

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

Date of decision:10.04.2015.

Manish Kumar

.....Petitioner

v.

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.TPS Bhatti,Advocate for the petitioner

Jaswant Singh,J.(Oral)

By way of present writ petition, petitioner has laid challenge to the appointment of respondent no.4-Mangat Singh as Lambardar of Village Pacca Chisti, Tehsil and District Fazilka.

Petitioner, respondent no.4 and 11 other candidates were aspirants for the Post of Lambardar of Village Pacca Chisti. District Collector,Fazilka vide order dated 29.1.2013(P-1) found respondent no.4-Mangat Singh more competent than other candidates and appointed him as Lambardar. Aggrieved against the same, petitioner filed an appeal which was dismissed by Commissioner, Ferozepur Division,Ferozepur vide order dated 21.2.2014(P-3). Still dis-satisfied, petitioner preferred a revision petition which too was dismissed by Financial Commissioner(Revenue)Punjab vide order dated 16.12.2014 (P-5). Hence the present petition seeking quashing of orders dated

29.1.2013(P-1), 21.2.2014(P-3) and 16.12.2014(P-5).

It is contended that besides petitioner and respondent no.4 possessing similar qualifications, petitioner had a preferential right as his father/grandfather/great-grandfather were Lambardars of the village and on account of this petitioner ought to have been appointed as Lambardar instead of respondent no.4.

After hearing the learned counsel for the petitioner and perusing the impugned orders, I find no illegality or perversity in the impugned orders warranting interference with the discretion exercised by the authorities below.

It is has been found by the authorities below that respondent no.4-Mangat Singh was elder to the petitioner; had qualification equivalent to the petitioner; had been working as temporary Lambardar; Panchayat had also passed a resolution in his favour; and his name was also recommended by the Naib Tehsildar and SDM Fazilka. Thus, the relative merits and demerits of petitioner and respondent no.4 had been considered by the authorities while appointing respondent no.4 as Lambardar, by following due process of law.

In view of the above, finding no merit in this writ petition the same is hereby dismissed.

10.04.2015.
joshi

(Jaswant Singh)
Judge