

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

CWP-7963-2015 (O&M)  
Date of decision : 29.06.2015

Mangla Ram

...Petitioner

Versus

Financial Commissioner (Revenue) Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. J.P. Singh, Advocate for the petitioner.

**JITENDRA CHAUHAN, J.**

The petitioner seeks quashing of the impugned order dated 06.01.2015 (Annexure P-3), passed by respondent No.1, whereby, the order dated 19.07.2013 (Annexure P-2), passed by respondent No.2 and the order dated 11.10.2012 (Annexure P-1) passed by respondent No.3, have been set aside.

Upon the request made by Lachhman Singh, Lambarder of village Kallar Khera, for relieving him from the charge of Lambardar owing to his old age, respondent No.3, acceded to the request and relieved him vide order dated 29.10.2011. Further approval to fill up the vacancy was also granted. Thereafter, applications were invited and in response thereof, Hari Ram, Mangla Ram, Krishan Lal and Ramesh Kumar, applied for the post. The revenue authorities recommended the name of the petitioner to respondent No.3.

Respondent No.3, after hearing the candidates present and on the basis of the recommendations of his subordinate revenue authorities, appointed the petitioner as new Lambardar of the Village vide order dated 11.10.2012. Respondent No.4 challenged the said appointment by filing an appeal before respondent No.2 on various grounds, which was ultimately dismissed vide order dated 19.07.2013 (Annexure P-2). Still feeling aggrieved, respondent No.4 filed revision petition before respondent No.1, which stands allowed vide impugned order dated 06.01.2015 and the appointment of petitioner has been set aside. Hence, the present petition.

The learned counsel for the petitioner contends that the impugned order dated 06.01.2015 has been passed in violation of the settled principle of law that the choice of the learned Collector for appointment of Lambardar is not to be interfered with except in cases of serious irregularities or illegality therein. No such irregularity or illegality has been brought on record by the respondents.

In the appeal filed by the private respondent before the Commissioner, it was argued that the petitioner was a convict in FIR No.90 dated 23.05.2004. However, this plea was rejected by the learned Commissioner on the ground that the name of the accused mentioned in the FIR is Pappu son of Budh Ram and not Mangla Ram son of Budh Ram. Therefore, the FIR does not relate to the petitioner.

In the revision petition, the learned Financial

Commissioner, in order to ascertain the fact whether the petitioner was convicted in FIR No.90 ibid, called a report from the District Collector, wherein, it has come to the notice of the authorities that the petitioner is a convict in FIR No.90 dated 23.05.2014, registered at Police Station Khuian Sarawar, under the Excise Act. However, he was released on probation for a sum of Rs.1.00 lac and bound down for a period of one year. The petitioner suppressed this material fact before the Collector and the Commissioner. Thus, the petitioner did not approach the authorities with clean hands and his selection as Lambardar has rightly been set aside.

In ***Anand Kumar Vs. State of Haryana, 2009(4) R.C.R. (Civil) 844***, this Court has held as under:-

*“5. This Court in exercise of its supervisory writ jurisdiction does not sit in appeal over the findings reached at by the revenue authorities. It may be noticed that the Commissioner, Rohtak Division, Rohtak and the learned Financial Commissioner have on appreciation of the material on record reached at the conclusion that Rajender (respondent No.4) is more meritorious for appointment as Lambardar. Nothing is shown that the decision reached at by the revenue authorities that is the Commissioner, Rohtak Division, Rohtak and the Financial Commissioner, is, in any manner, erroneous or perverse which would warrant interference of this Court in exercise of its writ*

*jurisdiction under Articles 226/227 of the Constitution of India. It may be noticed that the Commissioner, Rohtak Division, Rohtak in his order dated 24.4.2009 (Annexure-P.2) has observed that respondent No.4 is the son of the deceased Lambardar. Although a hereditary claim for appointment of Lambardar for appointment as Lambardar is not the sole factor on which appointment of Lambardar is to be made but it may be noticed that the same is a relevant factor to which regard is to be had in the consideration process in terms of Rule 15 of the Punjab Land Revenue Rules ('Rules' – for short). The said rule reads as under:-*

*“15. Matters to be considered in first appointments.-- In all first appointments of headman, regard shall be had among other matters to—*

- (a) his hereditary claims;*
- (b) extent of property in the estate possessed by the candidate;*
- (c) services rendered to the State by himself or by his family;*
- (d) his personal influence, character, ability and freedom from indebtedness;*
- (e) the strength and importance of the community from which selection of a headman is to be made;*
- (f) services rendered by himself or by his family in the national movements to secure freedom of India.”*

6. *A perusal of the above Rule 15 of the Rules shows that in first appointment of Headman regards shall be had among others to hereditary claims. Therefore, even though the claim based on hereditary for consideration for appointment of Lambardar is not the sole factor for consideration for appointment as Lambardar but it is one of the factors to which regard is to be had to. The Commissioner and the Financial Commissioner having taken the said factor into consideration which is in consonance with the Rules, this Court is not to upset the decision validly reached at in the consideration process. In exercise of the powers of judicial review of this Court, the Court is concerned more with the decision making process rather than the decision reached at. The decision having been validly reached at on the consideration of the material and evidence on record and the said decision is not, in any manner, shown to be illegal or perverse would warrant no interference by this Court in exercise of its supervisory jurisdiction.”*

Thus, the antecedents of the candidate aspiring to become a Lambardar are of paramount importance and in the present case, neither the antecedents of the petitioner, nor his conduct is such, that he can be bestowed with such an important assignment of a Lambardar. A person with bad antecedents and doubtful integrity, can neither provide leadership, nor can watch the interest of the village community.

In view of the above, this Court does not find any ground to interfere in the impugned order passed by the competent Authority. Consequently, the impugned order dated 06.01.2015 (Annexure P-3) is affirmed and the present petition is hereby dismissed.

**29.06.2015**  
*atulsethi*

**(JITENDRA CHAUHAN)**  
**JUDGE**

*Note : Whether to be referred to Reporter : Yes*