

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

CWP No. 9681 of 2014

Date of decision : 21.02.2015

Manjinder Singh

....Petitioner

V/s

Financial Commissioner (Revenue) Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Puneet Sharma, Advocate for the petitioner.

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

Mr. Sherry K. Singla, Advocate for respondent no. 4.

RAJAN GUPTA J.

Petitioner is aggrieved by orders, Annexures P2, P3 & P5 dated 09.12.2009, 20.07.2010 & 22.11.2012 respectively passed by Collector, Commissioner and Financial Commissioner, Punjab whereby respondent no. 4 was appointed as Lambardar of village Batarla.

Learned counsel for the petitioner has assailed the orders. He submits that Collector only considered case of respondent no. 4 and appointed him as Lambardar. He did not consider merit of the petitioner. According to him, petitioner is more meritorious than respondent no. 4. Impugned orders are, thus, unsustainable and deserve to be set-aside.

Plea has been vehemently opposed by learned 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 Batarla. Process was initiated to appoint a new person. In response to proclamation, ten applications were received, five of whom withdrew. Five candidates remained in the fray including petitioner and respondent no. 4. On consideration of relative merit of candidates, Collector found Gurdeep Singh (respondent no. 4 herein) to be more meritorious than other candidates. Moreover, lower revenue authorities had also recommended his name. Thus, Collector vide his order dated 09.12.2009 decided to appoint Gurdeep Singh as Lambardar of the village. Petitioner preferred appeal before the Commissioner, Patiala Division. Vide order dated 20.07.2010, Commissioner dismissed the appeal and upheld the order of Collector whereby respondent no. 4 was appointed. Order was unsuccessfully challenged before the revisional authority. Aggrieved, present petition has been filed.

I 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. Writ petition is, thus, dismissed.

February 21, 2015
Ajay

(RAJAN GUPTA)
JUDGE