

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

**CWP No. 9810 of 2014**

**Date of decision : 15.01.2015**

Pawan Kumar

....Petitioner

V/s

Financial Commissioner, Revenue Department, Civil Secretariat,  
Haryana & ors.

....Respondents

**BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. R.K. Agnihotri, Advocate for respondent no. 4.

**RAJAN GUPTA J.**

Petitioner seeks a writ in the nature of certiorari seeking quashing of orders, Annexures P1, P2 & P3 dated 04.02.2013, 21.03.2013 & 06.01.2014 respectively whereby respondent no. 4 was ordered to be appointed as Lambardar of the village.

Learned counsel for the petitioner has assailed the order. He submits that petitioner is the son of deceased Lambardar and, thus has a hereditary claim on the post of Lambardar. According to him, authorities below have committed a grave error in rejecting the claim of the petitioner. Impugned orders are, thus, unsustainable and deserve to be set-aside.

Plea has been vehemently opposed by learned counsel appearing for respondent no. 4. He submits that impugned orders suffer from no infirmity and are legally tenable.

I have heard learned counsel for the parties.

Brief factual background of the case is that after death of Lambardar of village Pundri, Tehsil Gharaunda, process for fresh appointment was initiated. In response to proclamation, petitioner and respondent no. 4 applied for the post. After considering relative merit, Collector appointed Rakesh Kumar (respondent no. 4 herein) as Lambardar vide order dated 04.02.2013. Dis-satisfied by the said order, petitioner preferred appeal before Commissioner, Rohtak Division who vide order dated 21.03.2013, dismissed the appeal and upheld the order of Collector appointing respondent no. 4 as Lambardar. Revision was later preferred before the Financial Commissioner, Haryana which met the same fate. Aggrieved, present petition has been filed.

I, however, find no infirmity with the orders passed. It is well settled that once an appointment of Lambardar is 'by the Collector, same can be interfered with if there is some grave illegality or perversity. At the initial stage, Collector considered relative merit of candidates. After considering the same, he found that respondent no. 4 was better educated and is younger in age. Petitioner has studied up to 8<sup>th</sup> class only. Keeping in view all factors, I am of the considered view that Collector arrived at the right conclusion. There is, thus, no scope for interference in writ jurisdiction. Dismissed.

January 15, 2015  
*Ajay*

(RAJAN GUPTA)  
JUDGE