

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

C.W.P. No. 961 of 2015
Date of Decision: January 21, 2015

Nishan Singh

... Petitioner

Versus

Financial Commissioner, Animal Husbandry, Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Gourav Jain, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of order dated 12.01.2011 (Annexure P/5) passed by respondent No.3 – District Collector, Sangrur whereby candidature of the petitioner for the post of Lambardar has been rejected, order dated 26.07.2012 (Annexure P/6) passed by respondent No.2 – Divisional Commissioner, Patiala Division, Patiala and order dated 20.08.2014 (Annexure P/8) passed by respondent No.1 – Financial Commissioner, Punjab, whereby appeal and revision filed by the petitioner have been dismissed.

Brief facts of the case are that to fill up the vacancy caused on

account of death of Khem Chand, previous Lambardar of Village Andaana, Tehsil Moonak, District Sangrur, applications were invited. In pursuance of the proclamation, two persons, namely, Nishan Singh-petitioner and Ram Kumar-respondent No.4 submitted the applications. Earlier, the matter came up before this Court in CWP No. 10906 of 2010. Vide order dated 23.09.2010, this Court remanded the case to the District Collector. After considering the evidence brought before him, the District Collector vide order dated 12.01.2011 (Annexure P/5) came to the conclusion that none of the persons is fit to be appointed as a Lambardar. Petitioner preferred an appeal before the Divisional Commissioner. The Divisional Commissioner vide order dated 26.07.2012 (Annexure P/6) dismissed the appeal. Thereafter, the petitioner preferred a revision petition before the Financial Commissioner, which has also been dismissed vide order dated 20.08.2014 (Annexure P/8). Hence, this writ petition.

I have heard learned counsel for the petitioner and perused the record.

It is settled principle of law that choice of the Collector cannot be lightly set aside. There is concurrent finding with regard to non-suitability of the persons who applied for the post of Lambardar. There is, thus, no merit in the present writ petition.

As per assertion of the learned counsel for the petitioner, the post of Lambardar has not been filled up since 01.01.2003.

In these circumstances, this Court deems it fit and proper that process for filling up the post of Lambardar shall be taken up by the District Collector and completed preferably within a period of six months from the date of receipt of certified copy of this order. The petitioner will be at liberty to apply for the aforesaid post in accordance with law.

With the above observation, present writ petition is dismissed being devoid of merit.

January 21, 2015
vkd

[Paramjeet Singh]
Judge