

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

Date of decision:18.05.2015.

Ramesh Kumar

.....Petitioner

v.

Financial Commissioner,Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Ms.Divya Godara,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Petitioner-Ramesh Kumar has filed the instant writ petition challenging the order dated 16.11.2011 (P-1) passed by District Collector,Sirsa whereby respondent no.4-Bansi Lal was selected as Lambardar of Village Bhadra, Tehsil and District Sirsa. Further challenge is to the orders dated 4.4.2013 (P-2) and 9.7.2014(P-4) passed by Commissioner,Hisar Division,Hisar and Financial Commissioner,Haryana whereby the appeal and revision filed by the petitioner challenging appointment of respondent no.4, was dismissed.

It is contended by the learned counsel for the petitioner that the authorities below have arbitrarily appointed the respondent no.4 as Lambardar and as such his appointment is liable to be set aside by quashing impugned orders P-1, P-2 and P4.

After hearing the learned counsel and perusing the

impugned orders, I find no merit in this writ petition and the same is liable to be set aside.

While appointing respondent no.4 as Lambardar, comparative merits of both the candidates has been taken into consideration by District Collector, Sirsa. It has been noticed that the petitioner of course is 10+2 while respondent no.4 is Matriculate. Petitioner is a landless person while respondent no.4 owns two acres of land. Petitioner is younger than respondent no.4. It has also been found that respondent no.4-Bansi Lal is son of deceased Lambardar and has knowledge of Lambardari works. Candidature of respondent no.4 has been recommended by Naib Tehsildar, Kalanwali, Tehsildar and SDO (Civil) Sirsa. Thus, it cannot be said that selection of respondent no.4 has been done in an arbitrary manner. Even if it is assumed that District Collector has exercised his discretion in appointing respondent no.4 as Lambardar, no illegality or perversity can be found in such exercise of discretion.

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

18.05.2015.
joshi

(Jaswant Singh)
Judge