

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Letters Patent Appeal No.1204 of 2015 (O&M)
Date of Decision: 29.9.2015

Gurmehar Singh

..Appellant

versus

Financial Commissioner Revenue and others

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Salil Bali, Advocate, for the appellant

RAJIVE BHALLA, J. (ORAL)

CM No.2560-LPA of 2015

Prayer in this application is to condone delay of 409 days
in filing the appeal.

We have heard counsel for the appellant and as
sufficient cause has been shown, allow the application and condone
delay of 409 days in filing the appeal.

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The appellant challenges order dated 16.5.2014
dismissing his writ petition, whereby he sought to challenge order
dated 26.4.2013, passed by the Financial Commissioner, Punjab.

Counsel for the appellant submits that the choice of the
Collector for the post of Lambardar was perverse and arbitrary as the
Collector did not consider that the appellant was more experienced,
namely, was older in age. The Commissioner rightly reversed the
order passed by the Collector. The mere fact that respondent no.4
may own more land, is irrelevant as respondent no.4 was only 22
years old on the relevant date, whereas the appellant was 38 years

of age. The appellant, therefore, had much more experience in dealing with the matters required to be handled by a Lambardar.

We have heard counsel for the appellant, perused the impugned order, the orders passed by the Financial Commissioner, the Commissioner and the Collector but find no reason to entertain the appeal.

The choice of the Collector as to the most suitable candidate to be appointed as Lambardar is generally final till such time it is not violative of the rules and/or is perverse or arbitrary. A perusal of the facts reveals that after due appraisal of the respective merits, the Collector appointed respondent no.4 as Lambardar. The Commissioner set aside this order without recording a finding that the Collector had violated any rule or that his choice was perverse or arbitrary. The Financial Commissioner has restored the choice of the Collector on the premise that there was no ground for the Commissioner to have interfered with the choice of the Collector. The writ petition has been dismissed by affirming the aforesaid order. The mere fact that the appellant was older in age, would not necessarily, raise an inference that the choice of the Collector was perverse or arbitrary. In the absence of violation of any rule or a consideration that may be said to be perverse or arbitrary, we find no merit and dismiss the appeal accordingly.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

29.9.2015

VK