

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

**LPA No.1419 of 2015(O&M)**

**Date of decision:14.12.2015**

**Kuldip Singh**

**....Appellant**

**VERSUS**

**Financial Commissioner, Haryana and others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA**

**HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

Present: Mr. U.K. Agnihotri, Advocate for the appellant.

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**HEMANT GUPTA, J.(Oral)**

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 24.03.2014 whereby the writ petition filed by the appellant was dismissed as also the order in review dated 18.05.2015 whereby the application to seek review of the order dated 24.03.2014 was dismissed.

The appellant challenged the order of appointment of respondent No.3 as Lambardar. The Collector recommended respondent No.3 for appointment as Lambardar when the following finding was returned:-

“I have heard Ld. Counsel for both the parties and perused the records. The character, antecedents of both the candidates are good. They have no authorized possession on the Shamlat land or any other land. Educational qualification of both the candidates are same. Candidate Kuldip Singh is the son of deceased Lambardar, I but an arrear of Rs.24873/- of electricity department is sanding due against his father. A

criminal case is pending against him. He is never contributed in social and administrative works. Whereas, the candidate Rakesh Kumar has assisted the Govt. by getting deposited Rs.110000/- in small saving schemes. He deposited Rs.1100/- Gaushala and has this done social work. In view of the above facts I deem Rakesh Kumar candidate S/o Abhey Ram caste Brahman R/o Brah Kalan a better candidate for the post of Lambardari than Kuldip Singh candidate. Hence agreeing with Asstt. Collector 1<sup>st</sup> Gd. Jind I order to appoint Rakesh Kumar S/o Abhey Ram caste Brahman R/o Vill. Brah Kalan as new Lambardar of village Brah Kalan in place of deceased Surat Singh Lambardar.”

The said order was set aside by the learned Commissioner when the matter was remanded back to the Collector. However, in further appeal by respondent No.3, the order passed by the Commissioner was set aside and that of the Collector was restored. Still aggrieved, the appellant filed a writ petition before this Court which stand dismissed vide the order impugned in the present appeal.

Learned counsel for the appellant has vehemently argued that two factors taken against the appellant for not appointing him are factually incorrect i.e. the arrears of electricity stood paid and there was no criminal case pending against him.

Even if the said factors are ignored from consideration, the fact remains that with all the qualifications being same, the respondent No.3 was found to have assisted the Government in depositing Rs.1,10,000/- in small saving scheme and also has done social work. If both candidates are similarly placed, the choice of the Collector attains more importance and it is the said fact which weighed with the Financial Commissioner to accept the appeal filed by respondent No.3. Such order has rightly not been interfered with by the learned Single Bench.

We do not find any error in the findings recorded by learned Single Bench which may warrant interference in the present intra-Court appeal.

Dismissed.

**(HEMANT GUPTA)**  
**JUDGE**

**DECEMBER 14, 2015**  
‘D. Gulati’

**(RAJ RAHUL GARG)**  
**JUDGE**