

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

**LPA No.144 of 2015 (O&M)
Date of Decision: 30.03.2015**

Baldev Singh

... Appellant

VS.

State of Punjab & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI**

Present: Mr. Deepak Sharma, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal impugns the order dated 21.05.2014 whereby learned Single Judge has dismissed the appellant's writ petition questioning the appointment of respondent No.4 as Lamberdar of village Mararhu, Tehsil and District Fatehgarh Sahib.

(2) The undisputed facts are that a vacancy of Lamberdar became available due to the death of previous incumbent on 14.05.2006. The applications were invited from the desirous candidates and after comparing the merit-points between the appellant and respondent No.4, the choice of Collector fell upon respondent No.4. The factors like younger in age with better landholding coupled with the fact that he is former Sarpanch of the Gram Panchayat tilted the weight in favour of respondent No.4.

(3) The aggrieved appellant challenged the decision of the Collector unsuccessfully before the Commissioner in appeal and then

before the Financial Commissioner in revision petition. Still aggrieved, he filed the writ petition which has been dismissed by learned Single Judge.

(4) One of the contention is that the order of Collector is perverse as he proceeded on the premise that the appellant was 17 years older than the selected candidate whereas the difference is six years only. Similarly, it is contended that the appellant's landholding in the same village has not been appropriately considered.

(5) Having given our thoughtful consideration to the submissions, we do not find any merit in this appeal.

(6) We say so for the reason that even if it is assumed that appellant is not 17-year older than the 4th respondent, the fact remains that respondent No.4 is younger in age. The vacancy was of General category hence landholding is a relevant consideration. Fourth respondent owns more land than the appellant. His popularity amongst the villagers has also been rightly inferred as earlier he was elected Sarpanch of the Gram Panchayat. Since the selection of respondent No.4 is based upon relevant considerations, no perversity can be attributed to the choice of the Collector warranting any interference by this Court.

(7) Dismissed.

(Surya Kant)
Judge

30.03.2015
vishal shonkar

(P.B. Bajanthri)
Judge