

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

LPA No. 1946 of 2014 (O&M)

DATE OF DECISION : 10.12.2015

Gela Ram Chumber

.... APPELLANT

Versus

Financial Commissioner (Revenue), Punjab, Chandigarh and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. B.D. Sharma, Advocate,
for the appellant.

Mr. B.S. Chahal, DAG, Punjab,
for respondents No.1 to 3.

Mr. R.S. Chauhan, Advocate,
for respondent No.4.

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SATISH KUMAR MITTAL, J.

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 23.09.2014 passed by the learned Single Judge, whereby the writ petition (CWP No. 1023 of 2014) filed by the appellant challenging the order dated 26.03.2013 (Annexure P-5) passed by the Financial Commissioner (Revenue), Punjab, upholding the orders dated 06.06.2002 (Annexure P-1) and 16.05.2005 (Annexure P-2) passed by the District Collector, Jalandhar, and the Commissioner, Jalandhar Division, Jalandhar, respectively, appointing Ram Lal (respondent No.4 herein) as

Lambardar of village Rasulpur, Tehsil Phillaur, District Jalandhar, has been dismissed.

After notice, we have heard learned counsel for the parties and have gone through the impugned order passed by the learned Single Judge as well as the orders passed by the revenue authorities.

In the present case, dispute is regarding the appointment of Harijan Lambardar of village Rasulpur. After considering the comparative merits of all the candidates including the appellant, the District Collector vide order dated 06.06.2002 appointed respondent No.4 as Lambardar of the village, finding him more suitable.

On two separate appeals, one filed by the appellant herein and the other by one Banarsi Lal (another candidate), the Commissioner vide order dated 16.05.2005 upheld the said order of the Collector.

The appellant and said Banarsi Lal further challenged the said order by filing separate revision petitions. The Financial Commissioner vide order dated 19.02.2010 set aside the aforesaid orders of the District Collector as well as the Commissioner and remanded the matter to the District Collector to decide the matter afresh after considering the comparative merits of all the candidates.

Respondent No.4 challenged the said order dated 19.02.2010 by filing writ petition (CWP No. 6321 of 2010), which was allowed; the order dated 19.02.2010 passed by the Financial Commissioner was set aside

and the matter was remitted to the Financial Commissioner to decide the matter afresh in accordance with law, particularly with respect to the availability of respondent No.4 in the village. After the remand, the Financial Commissioner re-considered the matter afresh examining the issue of availability of respondent No.4 in the village, and vide order dated 26.03.2013 came to the conclusion that respondent No.4, who had been Sarpanch of the village for 10 years and had performed the duties as Lambardar for the last 11 years without any complaint, always remains present in the village. It was further found that choice of the Collector appointing respondent No.4 as Lambardar of the village does not require any interference.

The appellant challenged the said order by filing CWP No. 1023 of 2014, which has been dismissed by the learned Single Judge.

Learned counsel for the appellant argued that as per Rule 19-B of the Punjab Land Revenue Rules, 1909, for appointment of a Scheduled Caste Lambardar, two factors have to be taken into consideration; firstly the services rendered to the State by the candidate himself or by his family; and secondly the candidate's personal influence, character, ability and freedom from indebtedness. He argued that the appellant is ex-serviceman and has rendered services to the State, and being an ex-serviceman, he holds great influence in the village, therefore, he should be given preference over respondent No.4.

After hearing learned counsel for the parties, we are of the opinion that the aforesaid contention cannot be accepted, because as per the observations made by the District Collector, respondent No.4 served the State as he remained Sarpanch of the village for 10 years and was having personal influence and popularity in the village. The issue regarding suitability of a candidate for appointment as Lambardar of a village is to be considered and decided by the revenue authorities. This court in Letters Patent Appeal will not go into this issue. This court can interfere in the order passed by the revenue authorities in the matters of appointment of Lambardar, in case the order is patently illegal or perverse or such an appointment is totally contrary to the Rules or the person so appointed is disqualified to be appointed as Lambardar. None of these grounds exists in the present case.

Thus, the choice of the Collector, which has been upheld by the Commissioner and the Financial Commissioner as well as by the learned Single Judge, does not require any interference in this appeal.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

December 10, 2015
ndj

(SHEKHER DHAWAN)
JUDGE