

In the High Court for the States of Punjab and Haryana, at  
Chandigarh

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**LPA No. 2050 of 2014**

**Date of decision: August 24, 2015**

Chhabila Ram ..Appellant

Versus

The State of Haryana and others ..Respondents

Coram: **Hon'ble Mr.Justice Satish Kumar Mittal**  
**Hon'ble Mr. Justice Mahavir S. Chauhan**

Present: Mr. J.S.Yadav, Advocate  
for the appellant.  
Ms. Tanisha Peshawaria, DAG,Haryana  
for respondent Nos.1 and 2  
Mr. Chanderhas Yadav, Advocate  
for respondent No.3

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- 1.Whether to be referred to Reporter? Yes/No
- 2.Whether the judgment should be reported in the  
digest ? Yes/No

**Mahavir S.Chauhan, J.**

Consequent upon death of Raghubir Singh, incumbent Lambardar of village Raliawas, process for filling up the vacancy was initiated. Appellant Chhabila Ram and respondent Gajraj were the candidates for the post of Lambardar. After completion of necessary formalities, District Collector, vide order dated 19.9.2012 (Annexure P1) appointed Gajraj, respondent No.3, as

Lambardar of the village. Order dated 19.9.2012 was challenged by the appellant before Commissioner, Gurgaon Division, Gurgaon. The Appellate Authority, vide order dated 26.9.2013 (Annexure P2) found the appeal of the appellant without substance and, accordingly, dismissed the same. The appellant then invoked Section 16 of the Punjab Land Revenue Act, 1997 and filed a revision petition before the Financial Commissioner, Haryana, to challenge the orders passed by the District Collector and the Commissioner. Financial Commissioner, Haryana re-appreciated the entire material available on record and vide order dated 10.1.2014 (Annexure P3) remanded the matter back to the District Collector with a direction to pass a fresh speaking order after taking into consideration the merits and de-merits of the candidates.

Respondent No.3, Gajraj challenged order dated 10.1.2014 passed by the Financial Commissioner by way of Civil Writ Petition No. 10195 of 2014.

Learned Single Judge, after hearing the parties, found that the order of remand passed by the Financial Commissioner was unsustainable and, accordingly, vide order dated 12.11.2014 allowed the writ petition and set aside the order of the Financial Commissioner (Annexure P3), restored order (Annexure P1) passed by the District Collector and allowed respondent No.3 to continue as Lambardar of the village.

Order dated 12.11.2014 of the learned Single Judge is under attack in the instant intra court appeal brought by appellant Chhabila Ram under Clause X of the Letters Patent.

We have heard learned counsel for the parties.

Though it is argued on behalf of the appellant that the learned Single Judge has wrongly set aside the order of remand passed by the Financial Commissioner after having found claim of the appellant to be better as compared to that of respondent No.3 yet it comes out from the record that while passing order dated 19.9.2012 (Annexure P1), District Collector had taken into consideration all the relevant materials including suitability of the candidates for the post of Lambardar of the village. It was found as a matter of fact by the District Collector that respondent No.3 was owner of agricultural land measuring 32 kanals, his father was also Lambardar of the village and he was presently working as a member panchayat. His financial position was good and he also used to take part in social activities of the village. His character was got verified from the local police and was found to be good. Reasons recorded by the District Collector in the order dated 19.9.2012, on appreciation, were found to be valid by the Appellate Authority.

The Revisional Authority, in our considered opinion, transgressed its jurisdiction in appreciating the comparative merits of the two candidates and substituting its own conclusion for the one arrived at by the District Collector and affirmed by the appellate authority. This is not permissible in exercise of revisional jurisdiction which, indisputably, can be exercised only if the order under revision is found to have been passed in flagrant violation of the settled procedure or suffers from jurisdictional error or perversity. No such finding has been recorded by the revisional

authority. Even otherwise by undertaking an exhaustive exercise to compare the merits of the competing candidates, the revisional authority has left no scope for exercise of discretion by the District Collector after remand of the case.

It may be relevant to refer here to **Ishwar Singh** versus **Satbir Singh and others** 2009(9) SCC 392, wherein Hon'ble Supreme Court has held that in the event of choice of the District Collector being found to be not perverse or violative of the rules or against the settled procedure, it cannot be interfered with. This view has been reiterated by a Division Bench of this Court in LPA No. 1677 of 2011 **Sucha Singh** versus **The Financial Commissioner, Cooperation, Punjab, Chandigarh and others** decided on 12.9.2011. Nothing to the contrary has been shown during the course of hearing.

In view of the above, we do not find any justification to interfere with the well reasoned order passed by the learned Single Judge.

The appeal, therefore, fails and is dismissed.

(SATISH KUMAR MITTAL)  
JUDGE

(MAHAVIR S.CHAUHAN)  
JUDGE

August 24,2015  
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