

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

LPA No.2152 of 2014 (O&M)  
Date of Decision:- 14.05.2015.

Kuldip Singh

.....Appellant

Versus

Financial Commissioner, Appeals-II, Punjab, Chandigarh and others

.....Respondents

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

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. G.S. Nagra, Advocate for the petitioner.

Mr. Amit Chaudhary, Additional A.G. Punjab.

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

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**SURYA KANT, J. (ORAL)**

1.) The controversy pertains to appointment of Lamberdar of village Mehmoodpur, Tehsil Mukerian, District Hoshiarpur. The vacancy arose due to death of the previous Lamberdar on 10.08.2007. After the procedural pre-requisites, the appellant and respondent No.4 remained in fray. The Collector, after comparative merit of the two candidates selected respondent No.4. The aggrieved appellant went in appeal and the Commissioner accepted his claim vide order dated 04.05.2009. The appointment made by

the Collector was set aside. Respondent No.4 challenged the order of Commissioner before Financial Commissioner, who vide order dated 27.10.2010 allowed the appeal of respondent No.4; set aside the order of Commissioner and restored that of the Collector.

2.) The appellant filed a review application but that was declined by the Financial Commissioner. Thereafter, he approached this Court but the learned Single Judge has also declined to interfere in the impugned orders. It has been found that the Collector and Financial Commissioner both have passed well-reasoned orders holding respondent No.4 more suitable as compared to the appellant.

3.) We have heard learned counsel for the parties at some length and gone through the record. It reveals that respondent No.4 is younger in age and is available in the village as he runs a Tent House in the nearby village. The popularity of respondent No.4 among the villagers is fortified by the fact that he was elected as Sarpanch for the term 2008 – 2013.

4.) The appellant is admittedly working in a sugar mill at Mukeria on temporary basis. It is obvious that he is not easily accessible in the village though his land holding and academic qualification is better than respondent No.4.

5.) Both the appellant as well as respondent No.4 faced criminal cases in the past though were acquitted.

6.) The law is well settled. The choice made by the Collector would ordinarily prevail unless it is founded upon perverse,

extraneous or irrelevant considerations. That cannot be the case here as the inter se merit of both the candidates was compared and respondent No.4 was given preference for valid reasons. Even if second opinion is possible, it will not be a valid ground to interfere with the orders passed by quasi-judicial authorities. Similarly, the fact that now some inquiry has been initiated/opened against respondent No.4 in respect of the alleged irregularity in utilization of Gram Panchayat funds would not be a valid ground to set aside his appointment as Lambardar as nothing precludes the Competent Authority to remove a Lamberdar if a serious misconduct is proved against him at any subsequent stage.

7.) Dismissed.

**(SURYA KANT)**  
**JUDGE**

**(P.B. BAJANTHRI)**  
**JUDGE**

**May 14, 2015.**

*sandeep sethi*