

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

LPA No. 341 of 2015 (O&M)

DATE OF DECISION : 03.03.2015

Malkiat Singh

.... APPELLANT

Versus

Financial Commissioner (Animal Husbandry), Punjab and others

.... RESPONDENTS

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

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Arvind Thakur, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 02.02.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 9425 of 2014) filed by the appellant herein challenging the order dated 14.03.2014 (Annexure P-9) passed by the Financial Commissioner (Animal Husbandry), Punjab, remanding the matter to District Collector, Hoshiarpur, to appoint eligible candidate as Lambardar of village Orhpur, Tehsil Dasuya, District Hoshiarpur, has been disposed of.

We have heard learned counsel for the appellant and have gone through the order passed by the learned Single Judge as well as the orders challenged in the writ petition.

Undisputedly, the District Collector, Hoshiarpur, vide order dated 18.12.2007 (Annexure P-2), after appreciating the comparative merits

of all the candidates, appointed Akaljot Singh (respondent No.4 herein) as Lambardar of the village. On an appeal filed by the appellant and another appeal filed by Saminder Singh (respondent No.5), the Commissioner, Jalandhar Division, Jalandhar, vide order dated 13.06.2008 (Annexure P-4), set aside the said order of the Collector and appointed the appellant as Lambardar of the village. On two separate revisions, one filed by respondent No.4 and the other filed by respondent No.5, the Financial Commissioner vide order dated 14.03.2014 (Annexure P-9) set aside both the aforesaid orders passed by the Collector and the Commissioner, and remanded the matter to the Collector to decide the matter afresh after considering the comparative merits of all the candidates, while observing as under :

“I have considered the written arguments of the counsels and perused the record available on file. Saminder Singh is working as press reporter and he cannot be easily available to the villagers. Akaljot Singh is involved in criminal case. A FIR No. 256/2006 under section 457, 384, 477, 506 IPC PS Tanda. Although Malkiat Singh is more educated than other candidates, but he was serving as Lecturer in S.D. College at the time of inviting applications and could not be available to the villagers. It is very important that the Lambardar must have clean record and good reputation as well as available full time for the work of the villagers. Therefore, none of the three candidates whose merits have been discussed above are eligible for appointment to the said post.”

The learned Single Judge, while setting aside the orders passed by the revenue authorities, disposed of the writ petition, while observing as under :

“In view of above, orders passed by the authorities i.e. Collector, Commissioner and Financial Commissioner are set aside.

Case is remitted to the Collector for fresh decision by taking into consideration the comparative merits of the candidates already before him. Liberty is granted to the Collector to pass appropriate interim order with regard to ad hoc/stopgap arrangement for the post of Lambardar. Final order shall be passed by the Collector within two months from the date of receipt of certified copy of this order.

Disposed of.”

In our opinion, in the LPA, there is no scope for interference in the order passed by the learned Single Judge, particularly when necessary modification in the order impugned in the writ petition has been made by the learned Single Judge.

No merit.

Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

March 03, 2015
ndj

**(HARINDER SINGH SIDHU)
JUDGE**