

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.353 of 2015 (O&M)

Date of Decision: July 07, 2015

Hardev Guru

.....Appellant

versus

The Financial Commissioner Cooperation, Punjab and others

.....Respondents

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

Present: Mr.R.S.Chauhan, Advocate for the appellant.

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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?*

Surya Kant, J. (Oral)

The order dated 08.01.2015, whereby learned Single judge has upheld the appointment of respondent No.4 as Lambardar of village Masani, Tehsil Phillaur, District Jalandhar, is assailed in this letters patent appeal.

[2] Shorn of the details, a vacancy of Lambardar reserved for Scheduled Caste category arose on the death of the then incumbent in March, 2004. The appellant and respondent No.4 remained in fray. While the appellant is a young person with post-graduate academic qualification, the 4th respondent was at the relevant time 60 years old.

[3] After multiple round of litigation which included a remand order by this Court, the choice fell upon respondent No.4 and an order to this effect was passed by the Financial Commissioner under the directions of this Court.

[4] That order was challenged before the learned Single Judge. The appellant's contention was that there were two criminal cases registered against respondent No.4, hence he was unsuitable for the post of Lambardar. On the other hand, respondent No.4 was preferred over the appellant for the reasons that the appellant was statedly working as a stamp vendor at a place situated far away from the village. The learned Single Judge took notice of the fact that in the criminal cases, respondent No.4 had been acquitted much before the relevant date, hence there was no adverse material to deprive him from holding the subject office. As regard to the appellant, it has been found that he is working as stamp vendor away from the village.

[5] The appellant's contention that he is no longer working as stamp vendor as the State Government has introduced the E-stamp papers may not cut much ice for the reason that inter se eligibility was to be seen at the relevant point of time. Even if the appellant has subsequently abandoned the work of stamp vendor, it cannot be a ground to re-open the selection process. The choice of the authorities deserves to be upheld unless found to be based upon any perverse or tainted considerations. That being not a case here, we are not inclined to interfere with the order passed by learned Single Judge.

Dismissed.

**(SURYA KANT)
JUDGE**

July 07, 2015
mohinder

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