

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

LPA No. 472 of 2015 ( O&M )

DATE OF DECISION : 25.03.2015

Mam Raj

.... APPELLANT

Versus

Financial Commissioner, Haryana and others

.... RESPONDENTS

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

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Vineet Chaudhary, Advocate,  
for the appellant.

\* \* \*

**SATISH KUMAR MITTAL, J.** ( Oral )

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 23.01.2015 passed by the learned Single Judge, whereby the writ petition (CWP No.1734 of 2014) filed by the appellant challenging the order dated 21.12.2010 (Annexure P-3) passed by the Collector, Kaithal, appointing Kulbir Singh (respondent No.3 herein) as Lambardar of village Narwal, Tehsil Rajound, District Kaithal, and order 19.02.2013 (Annexure P-6) passed by the Financial Commissioner, Haryana, upholding the aforesaid order of the Collector, has been dismissed.

Though there is delay of 10 days in filing the instant appeal and the appellant has filed an application (CM No. 956-LPA of 2015) for condoning the delay, yet we have heard learned counsel for the appellant on

merits and have gone through the order passed by the learned Single Judge as well as the orders passed by the Collector, Commissioner and the Financial Commissioner.

Undisputedly, in the present case, name of respondent No.3 was recommended by the subordinate revenue officers, for appointment as Lambardar of village Narwal, after making thorough enquiry of all the eligible applicants in the village. On the basis of that recommendation, Collector, Kaithal, after examining the entire record and considering the comparative qualifications as well as merits of all the candidates, appointed respondent No.3 as Lambardar of the village, vide order dated 21.12.2010 (Annexure P-3). On appeal filed by the appellant, the said order was set aside by the Commissioner, Ambala Division, Ambala, vide order dated 27.07.2011 (Annexure P-5), and the appellant was appointed as Lambardar of the village, while observing as under :-

*“I have heard the arguments of learned counsel for the parties and perused the facts on record. After hearing the counsel for the parties and on the perusal of facts on record, I have reached on a conclusion that the age of the appellant Mam Raj is 52 years and he is B.A. LLB passed. The appellant Mam Raj has 22 kanal land and he is an ex-serviceman. On the contrary, the respondent is 26 years old and is 10+2 class passed and he has 9 kanal 16 marls of land. From the aforesaid, it is clear that the appellant Mam Raj is more suitable than the respondent Kulbir Singh in every manner. The Collector is not bound to consider the recommendation of the*

*lower revenue officers during the appointment of a lambardar.”*

Respondent No.3 challenged the said order before the Financial Commissioner, Haryana, who vide order dated 19.02.2013 (Annexure P-6) set aside the order of the Commissioner and upheld the order passed by the Collector, while making the following observations :-

*“I have heard the learned counsels from both the sides and have gone through the record. The petitioner is an ex-serviceman. He is an agriculturist. He has relevant qualification and the field officers have recommended his name for appointment. On the other hand, the respondent has also been charged for making false complaints to the police. In these circumstances, I find the order of the Commissioner to be wrong. Hon'ble Supreme Court as well as High Courts have ruled on various occasions that the order of the Collector should only be interfered with if there is illegality or irregularity. I do not find any irregularity or illegality in the order of the Collector. I, therefore, uphold the order of the Collector and upheld the appointment of Sh. Kulbir Singh as Lambardar.”*

Learned counsel for the appellant argued that the Financial Commissioner should not have interfered with the order passed by the Commissioner, which was a valid order. This contention was also raised before the learned Single Judge and the same has been rightly rejected. It is well settled law on the appointment of Lambardar of a village that choice of the Collector in this regard should not be interfered with by the higher

authorities, except when the order of the Collector is perverse or against the provisions of the Land Revenue Act, 1887.

We are of the opinion that the instant case does not fall under these exceptions and the ground stated by the Commissioner in his order for setting aside the order of the Collector was not justified. The Commissioner cannot re-appraise the evidence and come to the conclusion that in his opinion, other candidate is more suitable. Such a choice exercised by the Collector cannot be said to be perverse. Therefore, in our opinion, the Financial Commissioner has rightly set aside the order of the Commissioner while observing that as per the settled law, keeping in view the facts and circumstances of the case, the Commissioner should not have interfered with the order of the Collector appointing respondent No.3 as Lambardar of the village.

Thus, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

**( SATISH KUMAR MITTAL )**  
**JUDGE**

**March 25, 2015**  
ndj

**( HARINDER SINGH SIDHU )**  
**JUDGE**