

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

LPA No. 497 of 2015

DATE OF DECISION : 31.03.2015

Angrej Singh

.... APPELLANT

Versus

Financial Commissioner (Appeals-I), Punjab, Chandigarh and others

.... RESPONDENTS

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

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. C.M. Munjal, 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 28.01.2015 passed by the learned Single Judge, whereby the writ petition (CWP No.10112 of 2006) filed by the appellant challenging the appointment of Ram Chand (respondent No.2) as Lambardar of village Billi Mar, has been dismissed.

Undisputedly, in the present case, though name of the appellant was recommended by the Naib Tehsildar, Tehsildar, and the Sub Divisional Magistrate, Jalalabad, for his appointment as Lambardar of the village, but the District Collector, Ferozepur, vide his order dated 17.06.2002 (Annexure P-2) appointed respondent No.2 as Lambardar of the village, while finding him more suitable and meritorious for the said appointment. It was observed

that the appellant was running the business of Commission Agent at Jalalabad, therefore, he will not be available to the villagers to provide his services.

On appeal filed by the appellant, the order of the District Collector was set aside by the Commissioner, Ferozepur Division, Ferozepur, vide order dated 25.02.2003 (Annexure P-3) while observing that the appellant was more meritorious than respondent No.2. The said order was set aside by the Financial Commissioner vide order dated 10.10.2005 (Annexure P-7) while observing that choice of the Collector should not have been interfered by the Commissioner on the ground that as per the ration card, the appellant was residing in the village, in spite of the fact that he was running a Commission Agent shop outside the village.

Vide the impugned order, the learned Single Judge has upheld the said order of the Financial Commissioner, while observing as under :

“A perusal of the record shows that District Collector after appreciating the comparative merit found respondent No.2-Ram Chand to be fit and suitable candidate and appointed him as such. It is a settled principle of law that the choice of the Collector cannot be lightly set aside. It can only be set aside if there is perversity or illegality in the impugned order of the Collector. Learned counsel for the petitioner has not been able to point out any perversity or illegality in the order passed by the District Collector. The finding of the District Collector has been affirmed by the Financial Commissioner.

*In view of law laid down by Hon’ble the Supreme Court of India in the case of **Mahavir Singh Vs. Khiali Ram & others, 2009***

(3) SCC-439, Lila Ram Vs. Asa Ram, 1995 Lahore Law Times-29 followed by Division Bench of this Court in the case of Phool Kumar Vs. State of Haryana and others, 2010(2) RCR (Civil) 819, the choice of the District Collector cannot be lightly set aside.

In Mahavir Singh's case (supra) the Supreme Court of India has observed that there should be no interference with the choice made by the Collector in the matter of appointment of Lambardar even if two views are possible. It is only the prerogative of the Collector to compare the merits of the candidates for appointment to the post of Lambardar. Order of the Commissioner has been rightly set aside by the Financial Commissioner.”

After hearing learned counsel for the appellant, we are not inclined to interfere with the said order, as we are of the opinion that in the present case, the Commissioner has arbitrarily interfered in the choice of the Collector, while appointing Lambardar of the village, on the ground that in his opinion the appellant was more meritorious than respondent No.2. The law in this regard is well settled, as discussed by the learned Single Judge.

In view of the above, 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 31, 2015
ndj

**(HARINDER SINGH SIDHU)
JUDGE**