

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.768 of 2015 (O&M)

Date of Decision: July 14, 2015

Sukhbir Singh

.....Appellant

versus

State of Haryana and others

.....Respondents

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

Present: Mr.Vikram Singh, 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 controversy pertains to appointment of Lambardar against the reserved Post of Scheduled Caste category in village Garhi Mundo, Tehsil and District Yamuna Nagar.

The Collector - being the Competent Authority appointed respondent No.4 but on an appeal by the appellant, that order was up-set by the Commissioner. The Financial Commissioner, Haryana, also upheld that order. However, pursuant to the writ petition filed by respondent No.4, this Court set aside the above-stated orders of the Commissioner and Financial Commissioner and the matter was remitted to the Financial Commissioner for fresh adjudication. The Financial Commissioner then decided in favour of respondent No.4. The said order has been upheld by learned Single Judge.

It appears that there was a criminal case registered against respondent No.4 under the Gambling Act in which he stood acquitted. As against it, the appellant is facing trial in the case FIR No.180 dated 25.05.2012 under Sections 323, 324, 34, 325 IPC. Even if the appellant has a slight edge over respondent No.4 on comparative merit, it is well settled that choice of the Collector should ordinarily prevail unless found to be tainted with perverse or extraneous considerations. No such case is made out by the appellant.

No case to interfere with the order passed by learned Single Judge is made out.

Dismissed.

[SURYA KANT]
JUDGE

July 14, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE