

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.790 of 2015 (O&M)
Date of Decision: July 20, 2015

Shamsher 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.Gautam Kailey, 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 instant letters patent appeal assails the order dated 23.01.2015 whereby learned Single Judge has upheld the appointment of respondent No.5-Manoj Kumar as Lambardar of village Sisana, Tehsil Kharkhoda, District Sonapat.

[2] The post of Lambardar in the reserved category fell vacant on account of the death of the then incumbent Sri Ram. Three candidates, namely, the appellant and respondent Nos.5 & 6 remained in fray but finally the contest was between the appellant and respondent No.5. The Collector, who is the Appointing Authority, selected respondent No.5 on the ground that (i) he is 10+2 passed, as compared to the qualification of matriculation of the appellant; (ii) his contribution under the

Small Saving Schemes is Rs.11,55,000/- as compared to more than Rs.6 lacs of the appellant and (iii) in the family planning cases also the performance of respondent No.5 was better than the appellant. It may be noticed that the appellant was 33 years of age at the relevant time, whereas respondent No.5 was 22 years old.

[3] The choice of the Collector was reversed by the Commissioner on an appeal preferred by the appellant, primarily on the ground that respondent No.5 was too young for appointment of Lambardar.

[4] The Financial Commissioner, however, vide his order dated 05.08.2010 (P-5) restored the selection made by the Collector, observing that young age was not the disability for appointment of a Lambardar. The comparative merits of both the candidates was also discussed by the Financial Commissioner at threadbare.

[5] The above-mentioned orders of the Collector and the Financial Commissioner passed in favour of respondent No.5 have been upheld by the learned Single Judge vide order under appeal.

[6] We have heard learned counsel for the appellant and gone through the record.

[7] It is well settled that choice of the Collector should ordinarily be allowed to prevail unless found to be tainted with perverse or extraneous consideration. It is not the appellant's case that respondent No.5 suffers from disability or unqualified. So far as the comparative merit is concerned, the Competent Authority has concluded in favour of respondent No.5. Such a conclusion has got the seal of approval from the learned Single Judge. We do not find it a fit case to interfere

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with those orders in exercise of appellate jurisdiction.

[8] Dismissed.

[SURYA KANT]
JUDGE

July 20, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE

CM No.1658 of 2015 in
LPA No.790 of 2015

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Shamsher Singh versus State of Haryana and others

Present : Mr.Gautam Kailey, Advocate,
for the applicant- appellant.

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Since the main appeal has been decided on merits, no separate order is required to be passed on this application for condonation of 10 days' delay in filing the appeal.

(SURYA KANT)
JUDGE

July 20, 2015
mohinder

(P.B.BAJANTHRI)
JUDGE