

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

CWP No. 10169 of 2016
Date of decision: 24.05.2016

Harbhajan Singh

....Petitioner

Versus

Financial Commissioner, Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Gourav Goel, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari quashing order dated 05.02.2013 (Annexure P-1) passed by respondent no.3 – Deputy Commissioner-cum-Collector, District Fatehgarh Sahib whereby respondent no.4– Gurjit Singh has been appointed as Lambardar of Village Raili, Tehsil Bassi Pathana, District Fatehgarh Sahib, order dated 03.07.2014 (Annexure P-2) passed by respondent no.2 – Divisional Commissioner, Patiala Division, Patiala and order dated 08.01.2016 (Annexure P-4) passed by respondent no.1-Financial Commissioner (Appeals), Punjab whereby appeal and revision filed by the petitioner have been dismissed.

Brief facts of the case are that to fill up the vacancy caused on account of death of Jwala Singh, previous Lambardar of Village Raili, Tehsil Bassi Pathana, District Fatehgarh Sahib,

applications were invited from the interested persons by making proclamation in the village. In pursuance of the proclamation, 4 applications were received. The Collector, after appreciating the comparative merit of the candidates found Gurjit Singh – respondent no.4 to be fit and suitable candidate and vide order dated 05.02.2013 (Annexure P-1) appointed him as Lambardar of the Village. Against the order (Annexure P-1), petitioner preferred an appeal before the Commissioner. The Commissioner, Patiala Division, Patiala, vide order dated 03.07.2014 (Annexure P-2) dismissed the appeal. Thereafter, petitioner preferred revision before the Financial Commissioner, which has also been dismissed vide order dated 28.11.2014 (Annexure P-3). Hence, instant writ petition.

I have heard learned counsel for the petitioner and perused the record.

The Hon'ble Supreme Court of India in the case of ***Mahavir Singh Vs. Khiali Ram & others, 2009(3) SCC-439, Lila Ram Vs. Asa Ram, 1955 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***, held that the choice of the District Collector cannot be lightly set aside.

In ***Mahavir Singh's*** case (supra) the Hon'ble 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 the prerogative of the Collector to compare the merits of the candidates for appointment to

the post of Lambardar.

There are concurrent findings recorded by the revenue authorities in the present case. Learned counsel for the petitioner has not been able to point out any perversity or illegality in the order passed by the Collector. The findings of the Collector have been affirmed by the Commissioner and the Financial Commissioner.

In view of above discussion, the present writ petition fails.

Dismissed.

24.05.2016

PA

(Paramjeet Singh Dhaliwal)
Judge