

In the High Court of Punjab and Haryana at Chandigarh

**C.W.P. No. 11945 of 2016
Date of Decision: June 03, 2016**

Harbhajan Singh

... Petitioner

Versus

Financial Commissioner (Revenue), Punjab and others

... Respondents

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

Present: Mr. Narinder Singh Lucky, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing order dated 14.06.2011 (Annexure P/1) passed by respondent no.3 – District Collector, Jalandhar, whereby respondent no.4 – Gian Singh son of Sh. Rakha Ram has been appointed as Lambardar of Village Killi, Tehsil Shahkot, District Jalandhar, order dated 27.11.2013 (Annexure P/2) passed by respondent no.2 – Commissioner, Jalandhar Division, Jalandhar and order dated 11.08.2015 (Annexure P/3) passed by respondent no.1 - Financial Commissioner (Revenue), 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 Parkash Singh, previous Scheduled Caste Lambardar of Village Killi, Tehsil Shahkot, District Jalandhar, applications were invited from the interested persons by making proclamation in the village. In

pursuance of the proclamation, 6 applications were received. The Collector, after appreciating the comparative merit of the candidates found Gian Singh – respondent no.4 to be fit and suitable candidate and vide order dated 14.06.2011 (Annexure P/1) appointed him as Scheduled Caste Lambardar of the Village. Against the order (Annexure P/1), petitioner preferred an appeal before the Commissioner. The Commissioner, Jalandhar Division, Jalandhar, vide order dated 27.11.2013 (Annexure P/2) dismissed the appeal. Thereafter, petitioner preferred ROR before the Financial Commissioner, which has also been dismissed vide order dated 11.08.2015 (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.

Otherwise also, the petitioner had made a categorical statement and also filed an affidavit before the Collector that he is not having any

objection if Jaswant is appointed as Lambardar. It appears that petitioner was not interested for the post of Lambardar.

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.

June 03, 2016

vk d

[Paramjeet Singh Dhaliwal]
Judge