

Civil Writ Petition No. 18309 of 2014

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

**Civil Writ Petition No. 18309 of 2014
Date of Decision: 14.12.2016**

Paramjit Singh

.....Petitioner

Vs.

Financial Commissioner, Revenue, Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Peeyush Gagneja, Advocate
for the petitioner.

Mrs. Monica Chhiber Sharma, DAG, Punjab.

Mr. S.P.S. Tinna, Advocate
for respondents No.4 and 5.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned order dated 22.4.2014 (Annexure P-3) passed by the Financial Commissioner (Revenue), Punjab, whereby he dismissed the revision petition filed by the petitioner and upheld the order dated 24.10.2013 (Annexure P-2) passed by the Commissioner, Ferozepur Division, Ferozepur and order dated 4.5.2011 (Annexure P-1) passed by the District Collector, Ferozepur, appointing respondent No.4 as

Civil Writ Petition No. 18309 of 2014

Lambardar, petitioner has approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned orders.

Heard learned counsel for the parties.

Facts are hardly in dispute. One post of Harijan Lambardar fell vacant in the village of the parties on account of death of earlier Lambardar. Process for filling up the post of Harijan Lambardar was initiated. Petitioner as well as respondents No. 4 and 5 applied for the post. Candidatures of all the three candidates were considered by the District Collector. After having comparative study of merits and demerits of all the three candidates, respondent No.5 was found ineligible, as he was facing two criminal cases. All the allegations levelled by the petitioner against respondent No.4 were considered one by one by the District Collector and all were found baseless. Finally, respondent No.4 was found having a clear edge over the petitioner and accordingly, he was appointed as Harijan Lambardar by the District Collector, vide his impugned order dated 4.5.2011 (Annexure P-1).

Feeling aggrieved against the abovesaid order passed by the District Collector, petitioner filed his appeal which was dismissed by the Commissioner, Ferozepur Division, Ferozepur, vide order dated 24.10.2013 (Annexure P-2). Similarly, revision filed by the petitioner was also dismissed by the Financial Commissioner, vide impugned order dated 22.4.2013 (Annexure P-3). Hence this writ petition.

A bare combined reading of all the three impugned orders would show that none of the respondent revenue authorities committed any error of law, while passing their respective impugned orders. It is so said, because respondent No.4 was admittedly better educated than petitioner. In

Civil Writ Petition No. 18309 of 2014

addition to this, being son of earlier Lambardar, respondent No.4 was having knowledge of the work of Lambardar although he never put any hereditary claim and rightly so, it being no more available, nor respondent No.4 was appointed giving him any benefit of hereditary claim by the District Collector. The matter was reconsidered by the Commissioner and rightly upheld the order passed by the District Collector, because it was not suffering from any patent illegality or perversity.

Again, while deciding revision of the petitioner, the Financial Commissioner also reconsidered the case from every possible view and found that respondent No.4 was rightly appointed as Harijan Lambardar by the District Collector. The relevant observations made by the Financial Commissioner in operative part of his impugned order, which deserve to be noticed here, read as under:-

“These contentions have been considered carefully in the light of the findings of the Collector and Commissioner and have found to be devoid of merit. The Collector has held that the respondent was a son of the deceased lambardar and had represented that since his father had expired, proceedings to appoint a new lambardar should be started. Since, it was on his application that the proceedings were started, there was no need for the respondent to file a fresh application. In any case, the respondent had appeared before the Naib Tehsildar on 8.3.10, the date fixed for this purpose. The Collector had also held that various documents, i.e. Scheduled Caste Certificate, residence certificate, voter’s

Civil Writ Petition No. 18309 of 2014

identity card and the police verification showed the respondent to be a resident of village Panniwala Mahla. It was also noted that the respondent had already applied for cancellation of his vote at Abohar. It is also seen that the Collector in his order has noted that Ramesh Chander had studied up to class 9th and as such, there is no occasion for any misrepresentation by him. The Collector has held that the respondent was son of the deceased lambardar and would aware of the requirements of the post, thus, this is not an unreasonable assumption. Thus, none of the contentions raised on behalf of the petitioner throw any doubt about correctness of the orders of the Collector and Commissioner.”

It is the settled proposition of law that choice of the District Collector, in the matters of appointment of Lambardar, is not to be upset lightly by the higher revenue authorities, unless the order passed by the District Collector is found suffering from any patent illegality or perversity. In the present case, learned counsel for the petitioner could not point out any patent illegality or perversity in any of the impugned orders. Further, no prejudice of any kind, whatsoever, has been shown which might have been caused to the petitioner by passing the impugned orders, warranting interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case

Civil Writ Petition No. 18309 of 2014

noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

14.12.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No