

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 20659 of 2016

Date of Decision: 3.10.2016

Dalbar Singh

.....Petitioner

Vs.

Financial Commissioner (Revenue) Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Vikas Mehsempuri, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the order dated 3.8.2016 (Annexure P-6), passed by the Financial Commissioner, (Revenue), Punjab, whereby he dismissed the revision petition filed by the petitioner and upheld the orders dated 19.11.2014 (Annexure P-4) passed by the Commissioner, Patiala Division, Patiala and also order dated 18.2.2014 (Annexure P-3), passed by the District Collector, Barnala, appointing respondent No.4 as Lambardar.

Heard learned counsel for the petitioner.

A bare reading of the orders passed by the respondent revenue authorities would show that petitioner as well as respondent No.4 were almost at par so far as their age and qualifications were concerned. However, both the subordinate revenue authorities, i.e. Assistant Collector 2nd Grade

and Assistant Collector 1st Grade, have recommended name of respondent No.4 for the post of Lambardar. After considering comparative merits of both the candidates, District Collector came to the conclusion that respondent No.4 was a better candidate than the petitioner. Accordingly, it was respondent No.4 who was appointed as Lamabrdar by the District Collector, vide impugned order dated 18.2.2014 (Annexure P-3).

Feeling aggrieved, petitioner filed his appeal which came to be dismissed by the Divisional Commissioner, Patiala Division, Patiala, vide order dated 19.11.2014 (Annexue P-4). Petitioner challenged both the abovesaid orders before the Financial Commissioner by way of revision, which also came to be dismissed, vide impugned order dated 3.8.2016 (Annexure P-6).

All the three revenue authorities have considered all the relevant aspects of the matter before arriving at a definite conclusion that respondent No.4 was having a clear edge over the petitioner and he was rightly found deserving for appointment to the post of Lambardar. If the comparative merits of both the candidates are minutely examined, respondent No.4 was about 11 years younger than the petitioner. Both the candidates were almost at par so far as educational qualification was concerned. Although the petitioner was having more land but since the land revenue itself has been abolished in the respondent State, ownership of the land would be of no importance.

In addition to the above, Assistant Collector 2nd Grade has recommended name of respondent No.4 for the post of Lambardar. He also remained Sarpanch of the village. Having said that, this Court feels no hesitation to conclude that none of the respondent authorities have

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committed any error of law, while passing their respective impugned orders and the same deserve to be upheld.

It is the settled proposition of law that choice of the District Collector, in the matters of appointment of Lambardar, will not be upset lightly by the higher revenue authorities, until and unless the order passed by the District Collector is found suffering from any patent illegality or perversity. In the case in hand, impugned order passed by the District Collector was rightly not found suffering from any patent illegality or perversity either by the Commissioner or by the Financial Commissioner, while passing their respective impugned orders. Under these circumstances, it can be safely concluded that all the three impugned orders passed by the revenue authorities are factually correct and legally justified which deserve to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case 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.

(RAMESHWAR SINGH MALIK)
JUDGE

3.10 .2016
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Whether speaking/reasoned Yes/No
Whether reportable: Yes/No