

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

Civil Writ Petition No.24822 of 2014

Date of Decision: December 07, 2016

Rameshwar Dayal

...Petitioner

Versus

State of Haryana & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Mukesh Yadav, Advocate,
for the petitioner.

Mr.Tapan Yadav, Advocate, for respondent No.5.

Mr.Sandeep S.Mann, Sr.DAG, Haryana.

RAMESHWAR SINGH MALIK, J.(Oral)

Present writ petition is directed against the order dated 23.07.2014 (Annexure P-3) passed by Financial Commissioner, Haryana, whereby revision petition filed by the petitioner was dismissed, upholding the orders passed by the Commissioner as well as District Collector appointing respondent No.5 as Lamberdar.

Notice of motion was issued and in compliance thereof, respondent No.5 filed his written statement. Short reply was filed on behalf of respondent Nos.1 to 4.

Heard learned counsel for the parties.

One post of Lamberdar of general category fell vacant in the village of the parties on account of death of Late Sh. Hari Singh,

Lamberdar. Process for filling up the post of Lamberdar was initiated. After considering comparative merits of all the candidates, learned District Collector came to the conclusion that petitioner was a person of doubtful integrity. This finding was recorded by learned District Collector on the ground that petitioner got his BPL card made and later on, his name was removed from the list of BPL card holders, being ineligible. The only argument raised by learned counsel for the petitioner in this regard is that petitioner ever applied for BPL card has been found wholly misconceived and totally misplaced. The competent authority of the department will not prepare the BPL card of anybody without request having been made for that purpose. This seems to be the reason that name of the petitioner was removed from the list of BPL card holders because he was not eligible for the same.

Having recorded this categoric and positive finding, learned District Collector committed no error of law while appointing respondent No.5 as Lamberdar. Order passed by learned District Collector was rightly upheld by the Commissioner as well as Financial Commissioner while dismissing the appeal and revision petition filed by the petitioner.

Having said that, this Court feels no hesitation to conclude that since none of the respondent revenue authorities committed any error of law while passing their respective impugned orders, the same deserve to be upheld.

So far as candidature of respondent No.5 is concerned, no

disqualification or ineligibility was pointed out. In fact, he was more educated than other candidates. He had deposited more amount in the small saving schemes. Beside this, respondent No.5 was having working experience on the post of Lamberdar, to his credit. Thus, he was rightly found by the learned District Collector having a clear edge on other candidates and he was rightly appointed as Lamberdar.

It is also the settled proposition of law that choice of District Collector, in the matters of appointment of Lamberdar is not to be upset lightly by the higher revenue authorities, unless the order passed by District Collector is found suffering from patent illegality or perversity. In the present case, impugned order passed by learned District Collector has not been found suffering from patent illegality or perversity. Similarly, learned Commissioner as well as Financial Commissioner were also well within their jurisdiction to pass their respective impugned orders, whereby abovesaid order passed by District Collector was rightly upheld. Under these undisputed circumstances obtaining on the record of the present case, it can be safely concluded that all the three impugned orders deserve to be upheld, for this reason only.

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.

December 07, 2016

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**(RAMESHWAR SINGH MALIK)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No