

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.25898 of 2016
Date of decision:15.12.2016**

Baljinder Singh

...Petitioner

Versus

Financial Commissioner, Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.H.S.Brar, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 4.7.2016 (Annexure P-5) passed by the Financial Commissioner (Appeals), Punjab, whereby revision petition filed by the petitioner was dismissed and the order dated 18.8.2015 (Annexure P-3) passed by the Divisional Commissioner, Patiala Division, Patiala as well as the order dated 22.4.2015 (Annexure P-2) passed by District Collector, Patiala, appointing respondent No.4 as Lambardar were upheld, 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 petitioner.

One post of Lambardar fell vacant in the village of the parties on account of death of earlier Lambardar Late Shri Harbant Singh. Process for filling up the post of Lambardar was initiated. Petitioner as well as respondent Nos 4 and 5 applied for this post. All the three candidates were found enjoying good moral character. Petitioner was found only 7th class,

whereas respondent No.4 was Graduate. All the three candidates being almost at par qua other merits, District Collector preferred more educated candidate, i.e. respondent No.4 Uggar Singh son of Shri Gajjan Singh and accordingly, he was appointed as Lambardar vide order dated 22.4.2015 (Annexure P-2) passed by the District Collector, Patiala. Petitioner filed his appeal, which was dismissed by the Divisional Commissioner, Patiala Division, Patiala, vide his order dated 18.8.2016 (Annexure P-3), upholding the above-said order passed by the District Collector. Similarly, revision petition filed by the petitioner was also dismissed by the Financial Commissioner vide order dated 4.7.2016 (Annexure P-5). Hence this writ petition.

A combined reading of all the three impugned orders would make it crystal clear that none of the respondent authorities have committed any error of fact or law, while passing their respective impugned orders and the same deserve to be upheld. It is so said, because petitioner was admittedly 7th class pass, whereas respondent No.4 was a Graduate. Sub Divisional Magistrate also recommended the name of respondent No.4 for appointment to the post of Lambardar.

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. During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in either of the three impugned orders. In this view of the matter, it can be safely concluded that the District Collector, Divisional Commissioner as well as Financial Commissioner,

were well within their jurisdiction to pass their respective impugned orders and the same deserve to be upheld for this reason also.

It is neither pleaded nor argued case on behalf of the petitioner that respondent No.4 was suffering from any ineligibility for appointment to the post of Lambardar. 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 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 above-said observations made, the present writ petition stands dismissed, however, with no order as to costs.

15.12.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No