

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

CWP No. 2766 of 2016
Date of decision: 29.04.2016

Chaman Lal

....Petitioner

Versus

Financial Commissioner (Appeals-1), Punjab and others

....Respondents

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

Present: Mr. Sanjeev Pandit, Advocate,
for the petitioner.

Mr. R.S Chauhan, Advocate,
for the caveator/respondent No.4.

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 impugned order dated 22.02.2011 (Annexure P-1) passed by respondent no.3 – District Collector, SBS Nagar whereby respondent no.4 – Om Parkash son of Hans Raj has been appointed as Lambardar of Village Beer Sobhuwal, Tehsil Balachaur, District SBS Nagar and order dated 30.07.2015 (Annexure P-5) passed by respondent no.1 – Financial Commissioner (Appeals), 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 Hans Raj, previous Lambardar (General Category) of Village Beer Sobhuwal, Tehsil Balachaur,

District SBS Nagar, 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 Om Parkash– respondent no.4 to be fit and suitable and vide order dated 22.02.2011 (Annexure P-1) appointed him as 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 13.03.2013 (Annexure P-3) dismissed the appeal. Thereafter, petitioner preferred revision before the Financial Commissioner, which has also been dismissed vide order dated 30.07.2015(Annexure P-5). Hence, instant writ petition.

I have heard learned counsel for the petitioner and perused the record.

The only argument raised by learned counsel for the petitioner is that he has been ignored only on the ground that he was involved in a criminal case. It is further contended that the petitioner is more meritorious than respondent No. 4.

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.

So far as contention of learned counsel for the petitioner that the petitioner was acquitted in the criminal case is concerned, the Division Bench of this Court in ***Jog Dhian Vs. Financial Commissioner, Haryana, 2005 (1) RCR (civil) 658*** has held that even if a person has been acquitted, the stigma attached to it is not completely washed out. Even if it is presumed that no stigma lies, once the collector has come to a conclusion that respondent no. 4 is a better candidate, in pursuance of ***Mahavir Singh's case*** (supra) the choice of the Collector cannot be lightly set aside.

In view of above discussion, the present writ petition fails.

Dismissed.

29.04.2016
PA

(Paramjeet Singh Dhaliwal)
Judge