

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 3581 of 2016
Date of Decision: April 07, 2016

Kuldeep Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. M.S. Randhawa, Advocate,
for the petitioner.

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 setting aside order dated 08.12.2010 (Annexure P/1) passed by respondent no.3 – District Collector, Mohindergarh at Narnaul, whereby respondent no.4 – Jitender Kumar son of Sh. Nand Ram has been appointed as Lambardar of Village Bhushan Kalan, Tehsil Narnaul, District Mohindergarh, order dated 24.05.2013 (Annexure P/2) passed by respondent no.2 – Commissioner, Gurgaon Division, Gurgaon and order dated 29.04.2015 (Annexure P/3) passed by respondent no.1 - Financial Commissioner, Haryana 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 Narayan Singh, previous Lambardar of Village Bhushan Kalan, Tehsil Narnaul, District Mohindergarh, 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 Jatinder Kumar son of Nand Ram– respondent no.4 to be fit and suitable candidate and vide order dated 08.12.2010 (Annexure P/1) appointed him as Lambardar of the Village. Against the order (Annexure P/1), petitioner as well as respondent nos. 5 and 6 – Rattan Singh and Partap Singh, respectively preferred three separate appeals before the Commissioner. The Commissioner, Gurgaon Division, Gurgaon, vide order dated 24.05.2013 (Annexure P/2) dismissed all the three appeals. Thereafter, petitioner as well as respondent no.5 – Rattan Singh preferred two separate R.O.Rs. before the Financial Commissioner, which have also been dismissed vide order dated 29.04.2015 (Annexure P/3). Hence, instant writ petition.

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

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.

Learned counsel for the petitioner has not been able to point out any perversity or illegality in the order passed by the Collector. The findings of the Collector have been affirmed by the Commissioner and the Financial Commissioner.

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

April 07, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge