

In the High Court of Punjab & Haryana at Chandigarh

**C.W.P. No. 4660 of 2016
Date of Decision: March 11, 2016**

Dilbagh Singh

... Petitioner

Versus

Financial Commissioner, Punjab and others

... Respondents

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

Present: Mr. Umesh Kumar Kanwar, 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 quashing order dated 12.01.2009 (Annexure P/1) passed by respondent no.2 – District Collector, Tarn Taran, appointing respondent no.3 – Rachpal Singh as Lambardar of Village Jabandpur, Tehsil Khadur Sahib, District Tarn Taran and order dated 07.12.2015 (Annexure P/5) passed by respondent no.1 – Financial Commissioner, Punjab whereby appeal filed by respondent no.3 has been allowed.

Brief facts of the case are that to fill up the vacancy caused on account of death of Gurdit Singh, previous Lambardar of Village Jabandpur, Tehsil Khadur Sahib, District Tarn Taran, applications were invited from the interested persons by making proclamation in the village. In pursuance of the proclamation, three applications were received. The Collector, after appreciating the comparative merit of the candidates found

Rachpal Singh – respondent no.3 to be fit and suitable candidate and vide order dated 12.01.2009 (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 18.11.2009 (Annexure P/2) accepted the appeal and remanded the case back to the District Collector for fresh decision. Against that order, respondent no.3 filed a revision petition before the Financial Commissioner. The Financial Commissioner vide order dated 12.11.2010 (Annexure P/3) remanded the case to the Commissioner for fresh decision. The Commissioner vide order dated 27.05.2013 (Annexure P/4) upheld order dated 18.11.2009 (Annexure P/2). Aggrieved against order (Annexure P/4), respondent no.3 preferred an appeal before the Financial Commissioner, which has been allowed and the order of the Commissioner has been set aside vide order dated 07.12.2015 (Annexure P/5). Hence, instant writ petition.

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

It is well settled that in view of law laid down by Hon'ble the Supreme Court of India in the case of **Mahavir Singh Vs. Khiali Ram & others, 2009(3) SCC-439, Lila Ram Vs. Asa Ram, 1995 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**, 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. The Financial Commissioner has rightly upset the order of the Commissioner and upheld the order of the Collector. There are concurrent findings recorded by the Collector and the Financial Commissioner.

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

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

Dismissed in limine.

March 11, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge