

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 6634 of 2016
Date of Decision: April 07, 2016

Maghar Singh

... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

... Respondents

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

Present: Mr. Sunny K. Singla, 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 15.09.2010 (Annexure P/2) passed by respondent no.3 – District Collector, Sangrur, whereby respondent no.4 – Balwinder Singh son of Sh. Manjit Singh has been appointed as Lambardar of Village Changli, Tehsil Dhuri, District Sangrur, order dated 04.01.2011 (Annexure P/3) passed by respondent no.2 – Commissioner, Patiala Division, Patiala and order dated 18.01.2016 (Annexure P/4) 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 Gurbax Singh, previous Lambardar of Village Changli, Tehsil Dhuri, District Sangrur, 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 Balwinder Singh – respondent no.4 to be fit and suitable candidate and vide order dated 15.09.2010 (Annexure P/2) appointed him as Lambardar of the Village. Against the order (Annexure P/2), petitioner preferred an appeal before the Commissioner. The Commissioner, Patiala Division, Patiala, vide order dated 04.01.2011 (Annexure P/3) dismissed the appeal. Thereafter, petitioner preferred ROR before the Financial Commissioner, which has also been dismissed vide order dated 18.01.2016 (Annexure P/4). 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