

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

CWP No. 6846 of 2016
Date of decision: 12.04.2016

Sher Singh

....Petitioner

Versus

Financial Commissioner, Punjab and others

....Respondents

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

Present: Mr. Hardeep Singh, Advocate,
for the petitioner.

Mr. Umesh Kumar Kanwar, Advocate,
for the caveator-respondent No.4.

Paramjeet Singh Dhaliwal, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing order dated 15.06.2010 (Annexure P-3) passed by respondent No.3-District Collector, Patiala and order dated 06.01.2016 (Annexure P-5) passed by the Financial Commissioner, Punjab vide which the revision petition of respondent No. 2 was allowed and he was appointed as Lambardar. Further prayer has been made for upholding order dated 04.07.2012 (Annexure P-4) passed by respondent No. 2-Commissioner, Patiala.

Brief facts of the case are that on account of resignation tendered by previous Lambardar of village Pabra, Tehsil Rajpura, District Patiala post of Lambardar fell vacant. Munadi was done for filling up the vacant post. In response to the advertisement/proclamation, applications from Pala Singh, Pawan

Kumar, Balwinder Singh and Sher Singh (the present petitioner) were received. The Collector after considering the comparative merits of the candidates found Pala Singh-respondent No. 4 to be fit and suitable candidate and vide order dated 15.06.2010 (Annexure P-3) appointed him a Lambardar of the village. Against the order (Annexure P-3), petitioner preferred an appeal before the Divisional Commissioner. The Divisional Commissioner, Patiala Division, Patiala vide order dated 04.07.2012 (Annexure P-4) allowed the appeal and set aside the order of the Collector and appointed Sher Singh, the petitioner as Lambardar of the Village. Thereafter, respondent No. 4 preferred revision before the Financial Commissioner, which has also been allowed vide order dated 06.01.2016 (Annexure P-5). The order of the Commissioner has been set aside and that of the Collector appointing respondent No. 4 as Lambardar has been upheld. Hence, instant writ petition.

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

While considering the evidence collected by the authorities, it has been recorded in the impugned orders that Pala Singh is matriculate, having sufficient property for security of the land revenue, can read Hindi, Punjabi and English. He is stated to be an honest man and was earlier elected as Sarpanch of the village and has constructed a Panchayat Ghar. On the other hand, the petitioner is stated to be BA IInd. But on specifically asking about the qualification of the petitioner, the learned counsel for the petitioner

has shown photocopy of Higher Secondary (Part II) Examination Certificate, which is taken on record.

While considering the case for appointment of a Lambardar, the matters which need to be considered by the Collector are contained in Rule 15 of Punjab Land Revenue Rules, which reads as under:-

15. *Matters to be considered in first appointment:-*

In all first appointments of headman, regard shall be had among other matters to:-

- (a) his hereditary claims.*
- (b) the property in the estate possessed by the candidate to secure the recovery of land revenue.*
- (c) services rendered to the State by himself or by his family.*
- (d) his personal influence, character, ability and freedom from indebtedness.*
- (e) the strength and importance of the community from which selection of a headman is to be made.*
- (f) services rendered by himself or by his family in the national movements to secure freedom of India.*

The Collector has considered the comparative merit of the candidates and found respondent No. 4 suitable for appointment as Lambardar. Order of the Collector has been upheld by the Financial Commissioner. Otherwise also, 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 case of **Phool Kumar Vs. State of Haryan and others, 2010 (2) RCR (Civil) 819**, has held that the choice of the 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 rightly affirmed by the Financial Commissioner.

In view of above discussion, the present writ petition fails and the same is dismissed in limine.

12.04.2016
PA

(Paramjeet Singh Dhaliwal)
Judge