

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

CWP No. 7191 of 2016
Date of decision: 22.04.2016

Manpreet Singh

....Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

....Respondents

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

Present: Mr. K.S. Maangat, Advocate, for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

The 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 for quashing of order dated 20.01.2016 (Annexure P-7), passed by respondent No.1- Financial Commissioner (Appeals), Punjab whereby the case has been remanded back to the District Collector for passing fresh order in accordance with law.

Brief facts of the case are that on account of death of Sohan Singh son of Balwant Singh, previous Lambardar of village Kila Lal Singh Had Bast No. 254, Tehsil Batala, District Gurdaspur, applications were invited from the interested persons by making proclamation in the village. In pursuance of the proclamation, only two applications were received. The Collector observed that Nirmal Singh did not appear and appointed Manpreet Singh as Lambardar of the village, without discussing anything on merit vide order dated 26.04.2010 (Annexure P-5). Against the order (Annexure P-5),

respondent No.4- Nirmal Singh preferred an appeal before the Commissioner, Jalandhar Division. The Commissioner, Jalandhar vide order dated 01.11.2011 (Annexure P-6), accepted the appeal and set-aside the order dated 26.04.2010 (Annexure P-5) and remanded the case back to the Collector to decide afresh. Thereafter, the petitioner preferred revision before the Financial Commissioner (Appeals), Punjab, which has also been dismissed vide order dated 20.01.2016 (Annexure P-7) and upheld the order of the Commissioner directing the District Collector, Gurdaspur to decide the case afresh in accordance with law. Hence, instant writ petition.

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

Taking into consideration all the facts on record, specifically the fact that the Collector has not discussed comparative merit of both the candidates, I do not find any illegality or perversity in the order passed by the Commissioner and the Financial Commissioner. Hence, the present writ petition fails. However, the Collector should decide the matter afresh in accordance with law, after taking into consideration all the relevant points as mentioned under Rule 15 of the 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.”*

Needful shall be done preferably within a period of two months from the date of receipt of certified copy of this order, if no order has been passed as yet.

Disposed of in limine with above observations.

22.04.2016
PA

(Paramjeet Singh Dhaliwal)
Judge