

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

CWP No. 7335 of 2016
Date of decision: 23.04.2016

Prem Chand

....Petitioner

Versus

Financial Commissioner, Revenue, Haryana and others

....Respondents

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

Present: Mr. Kulbhushan Sharma, 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 for quashing order dated 24.08.2015 (Annexure P/1) passed by respondent No.1 – Financial Commissioner, Revenue, Haryana, and further for quashing of orders dated 08.11.2013 (Annexure P-2), passed by the Commissioner and 26.06.2012 (Annexure P-3) passed by the District Collector

Brief facts of the case are that to fill up the vacancy caused on account of death of Tej Ram son of Ram Sahai, previous Lambardar of Village Raipur Kalan applications were invited from the interested persons by making proclamation in the village. In pursuance of the proclamation, 5 applications were received. The Collector, after appreciating the comparative merit of the candidates found Dharam Singh– respondent no.4 to be fit and suitable candidate and vide order dated 26.06.2012 (Annexure P/3) appointed him as

Lambardar of the Village. Against the order (Annexure P/3), petitioner preferred an appeal before the Commissioner. The Commissioner, Gurgaon Division, Gurgaon, vide order dated 08.11.2013 (Annexure P/2) dismissed the appeal. Thereafter, petitioner preferred revision before the Financial Commissioner, which has also been dismissed vide order dated 24.08.2015 (Annexure P/1). Hence, instant writ petition.

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

After considering the comparative merits, the Collector appointed respondent No. 4 as Lambardar, though the order of the collector is not happily worded, the contentions are specifically noted that respondent No. 4 is 42 years, tenth pass and had deposited ₹ 1 lacs in small savings. He remained Sarpanch for two tenure and presently his wife is Sarpanch. He had been helping in family planning cases and is also a member of District Gramin Vikas Abhikaran and a certificate to this effect has been issued in his name.

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 Commissioner and the Financial Commissioner. 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.

23.04.2016
PA

(Paramjeet Singh Dhaliwal)
Judge