

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

CWP No. 7581 of 2016
Date of decision: 26.04.2016

Bahadur Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Sushil Saini, 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 20.11.2015 (Annexure P-5) passed by respondent No.1–Financial Commissioner, Punjab whereby order of the Commissioner, Jalandhar Division dated 20.03.2013 (Annexure P-3) has been set aside and order of the District Collector dated 29.09.2011 (Annexure P-1) has been upheld.

Brief facts of the case are that to fill up the vacancy caused on account of death of Achhar Singh, previous Lambardar of Village Mehtabpur, Tehsil Mukerian, District Hoshiarpur, applications were invited from the interested persons by making proclamation in the village. In pursuance of the proclamation, 3 applications were received. The Collector, after appreciating the comparative merit of the candidates found Vasudev– respondent no.4 to be fit and suitable and vide order dated 20.09.2011 (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 20.03.2013 (Annexure P-3) remanded the case back to the District Collector for passing fresh order. Thereafter, respondent No. 4 filed an appeal before the Financial Commissioner, which was accepted vide order dated 20.11.2015 (Annexure P-5). 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 Financial Commissioner.

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

26.04.2016
PA

(Paramjeet Singh Dhaliwal)
Judge