

CWP No.9017 of 2015

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

CWP No.9017 of 2015
Date of decision: 18.05.2016

Karamvir Singh

....Petitioner

Versus

Financial Commissioner, Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. R.S. Budhwar, Advocate, for the petitioner.
Mr. Sandeep S. Mann, Sr. DAG, Haryana.
Mr. H.R. Bhardwaj, Advocate, for respondent No.3.

PARAMJEET SINGH DHALIWAL, J.

Instant Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 03.06.2010 (Annexure P-3) passed by Collector, Yamuna Nagar, appointing respondent No.3 – Shiv Ram as Lambardar of Village Bhiwanipur, Tehsil Bilaspur, District Yamuna Nagar; order dated 20.10.2010 (Annexure P-5) passed by Commissioner, Ambala Division, Ambala, whereby appeal filed by the petitioner against the order passed by Collector was dismissed and order dated 26.08.2013 (Annexure P-7) passed by Financial Commissioner, Haryana, whereby revision petition filed by the petitioner has been dismissed.

Brief facts of the case are that to fill up the vacancy caused on

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account of death of Kehar Singh, Lambardar of Village Bhiwanipur, Tehsil Bilaspur, District Yamuna Nagar, applications were invited from interested persons by making publication/proclamation in the Village after obtaining necessary sanction from the Collector. After completing formalities, matter came up for consideration before the Collector. The Collector after appreciating the comparative merit of the candidates found Shiv Ram – respondent No.3 to be fit and suitable candidate and vide impugned order dated 03.06.2010 (Annexure P-3) appointed him as Lambardar of the Village. Aggrieved against the order passed by Collector, petitioner and respondent No.4 filed separate appeals before the Commissioner, Ambala Division, Ambala. The Commissioner vide order dated 20.10.2010 (Annexure P-5) dismissed the appeals filed by petitioner and respondent No.4. Against the order of the Commissioner, petitioner and respondent No.4 filed revision petitions before the Financial Commissioner, which have been dismissed vide order dated 26.08.2013 (Annexure P-7). Hence, instant writ petition.

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

Learned counsel for the petitioner vehemently contended that the orders passed by the authorities below are erroneous, perverse and against the settled principles of law, thus, not sustainable in the eyes of law. Learned counsel for the petitioner contended that petitioner is the son of deceased Lambardar and he has remained Sarbarah Lambardar. Petitioner is having experience of Lambardar being remained Sarbarah

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Lambardar and son of deceased Lambardar, he is meritorious and having more experience in comparison to other candidates.

Per contra, learned counsel for respondent No.3 contended that he is sufficiently educated and holds sufficient landed property in the Village. Learned counsel for respondent No.3 further contended that respondent No.3 is a better choice as the Village Panchayat unanimously resolved and endorsed his candidature. Learned counsel for respondent No.3 further contended that it is a settled principle of law that choice of the Collector cannot be lightly set aside. Therefore, present writ petition is liable to be dismissed with costs.

I have considered the contentions raised by learned counsel for the parties.

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 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 only the prerogative of the Collector to compare the merits of the candidates for appointment to the post of Lambardar. The Collector has categorically held that respondent No.3 is more

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eligible than the petitioner as he is young in age and more educated than the petitioner. Respondent No.3 has deposited Rs.20,000/- in small savings schemes and Gram Panchayat unanimously passed a resolution and recommended his name to be appointed as Lambardar of the Village. Petitioner is not having any such kind of participation in Government development works. It is further held that respondent No.3 is having more land than other candidates whereas petitioner has unauthorisedly encroached upon the land of Gram Panchayat. 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 impugned orders passed by revenue authorities. The findings recorded by the Collector have been affirmed by Commissioner as well as the Financial Commissioner.

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

Dismissed.

No order as to costs.

(Paramjeet Singh Dhaliwal)
Judge

May 18, 2016
R.S.