

CWP No.8595-2016

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

CWP No.8595-2016

Date of Decision: 05.05.2016

Subhash Chander

... Petitioner(s)

Versus

The Financial Commissioner (Appeals), Punjab and others

... Respondent(s)

**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. Roshan Lal Sharma, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J.

Instant writ petition has been filed under Article 226 and 227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the order dated 11.01.2010 (Annexure P-4) passed by respondent No.3-District Collector, Roopnagar, appointing respondent no.4-Balram Singh as Lambardar, orders dated 17.02.2012 (Annexure P-6) passed by respondent No.2-Divisional Commissioner, Revenue Roopnagar, and dated 30.07.2012 (Annexure P-8) passed by respondent No.1-Financial Commissioner (Appeals), Punjab whereby appeal and revision, respectively, filed by the petitioner have been

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dismissed.

Brief facts of the case are that to fill up the vacancy caused on account of death of Kamal Singh, Lambardar of village Bhallan, Tehsil Nangal, District Ropar, applications were invited from the interested persons by making proclamation in the village after obtaining necessary sanction from the Collector. In furtherance of the proclamation, 19 candidates submitted their applications out of which 2 candidates i.e. petitioner and respondent No.4 appeared before the Collector. The Collector after appreciating the comparative merit of the candidates found respondent no.4-Balram Singh to be fit and suitable candidate and vide impugned order dated 11.01.2010 (Annexure P-4), appointed him Lambardar of the village. Feeling aggrieved, the petitioner preferred appeal before respondent No.2-Divisional Commissioner which has been dismissed vide impugned order dated 17.02.2012 (Annexure P-6). Being dissatisfied, the petitioner preferred revision before respondent No.1-Financial Commissioner, Appeals-I, Punjab which has also been dismissed vide impugned order dated 30.07.2015 (Annexure P-8). Hence, this writ petition.

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

Learned counsel for the petitioner vehemently contended that petitioner is more meritorious than respondent No.4. The revenue authorities have wrongly appointed respondent No.4 as Lambardar without appreciating the comparative merits. The impugned orders are

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not sustainable in the eyes of law and liable to be set aside.

I have considered the contentions of learned counsel for the petitioner.

A perusal of the record shows that all the authorities have recorded concurrent findings. The District Collector after appreciating the comparative merits specifically the age of the petitioner and respondents no.4, found respondent no.4-Balram Singh to be fit and suitable candidate for the post of Lambardar and appointed him as such. It is a settled principle of law that the choice of the Collector cannot be set aside lightly. It can only be set aside if there is perversity or illegality in the impugned order of the Collector. Learned counsel for the petitioner has not been able to point out any perversity or illegality in the order passed by the District Collector. The finding of the District Collector have been affirmed by the Commissioner as well as Financial Commissioner.

In view of law laid down by Hon'ble the 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, 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

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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. There are concurrent findings recorded by the revenue authorities.

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

Dismissed in limine.

No order as to costs.

05.05.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge