

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

C.W.P. No. 8880 of 2016

Date of Decision: 09.05.2016

Shyambir

. . . Petitioner

Versus

State of Haryana and others

. . . Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

Present: Mr. R.S. Sihota, Senior Advocate with
Mr. B.R. Rana, 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 setting aside order dated 09.04.2013 (Annexure P-3) passed by respondent No.3- District Collector, Faridabad, whereby respondent No.5 – Joginder Bhatti has been appointed as Lambardar of Village Amipur, Tehsil and District Faridabad, order dated 24.05.2013 (Annexure P/2) passed by respondent No.2 – Commissioner, Gurgaon Division, Gurgaon and order dated 29.04.2015 (Annexure P/3) passed by respondent No.1 - Financial

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Commissioner, Haryana whereby appeal and revision filed respectively, by the petitioner have been dismissed.

Brief facts of the case are that to fill up the vacancy caused on account of death of Dhundi, previous Lambardar of Village Amipur, Tehsil and District Faridabad, 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 Joginder Bhatti son of Shri Dharambir – respondent No.5 to be fit and suitable candidate and vide order dated 09.04.2013 (Annexure P-3) appointed him as Lambardar of the Village. Against the order (Annexure P-3), petitioner preferred an appeal before the Commissioner, Gurgaon. The Commissioner, Gurgaon Division, Gurgaon, vide order dated 07.02.2014 (Annexure P-5) dismissed the appeal. Thereafter, petitioner preferred revision before the Financial Commissioner, which has also been dismissed vide order dated 24.08.2015 (Annexure P-7). Hence, instant 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.5. The revenue authorities have wrongly appointed respondent No.5 as Lambardar without appreciating the comparative merits.

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The impugned orders are 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.5, found respondent No.5-Joginder Bhatti 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, unless the order suffers from any perversity or illegality.

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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 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.

[**PARAMJEET SINGH DHALIWAL**]
JUDGE

09.05.2016
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