

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

C.W.P. No.8934 of 2016

Date of Decision: 09.05.2016

Taras Pal

. . . Petitioner

Versus

Financial Commissioner Secretary and others

. . . Respondents

CORAM: HON'BLE MR JUSTICE PARAMJEET SINGH DHALIWAL

Present: Mr. R.S. Mamli, 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 04.08.2011 (Annexure P-1), passed by respondent No.3-Deputy Commissioner-Collector, Karnal, whereby respondent No.4 – Bhagat Singh, has been appointed as Lambardar of Village Brass, Tehsil Nissing, District Karnal, order dated 19.07.2012 (Annexure P-2) passed by respondent No.2- Commissioner, Rohtak Division, Rohtak Camp at Karnal and order dated 01.04.2013 (Annexure P-3) passed by

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respondent No.1 - Financial Commissioner, Haryana whereby appeal and revision filed by the petitioner have been dismissed.

Brief facts of the case are that due to death of Jagmal Singh, Lambardar of Village Brass, Tehsil Nissing, District Karnal, post of Lambardar fell vacant. On being remanded the case vide order dated 23.05.2011 passed by Financial Commissioner, Haryana, the Collector, Karnal after completing all the formalities and hearing the parties concerned vide order dated 04.08.2011 (Annexure P-1) appointed Bhagat Singh, respondent No.4, as Lambardar of the village. The petitioner being son of Jagmal Singh, previous Nambardar, filed an appeal before Commissioner Rohtak, which was dismissed vide order dated 19.07.2012 (Annexure P-2). Thereafter, petitioner preferred revision before the Financial Commissioner, Haryana which has also been dismissed vide order dated 01.04.2013 (Annexure P-3). 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, unless the order of the Collector suffers from perversity.

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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. In the present case, 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 and is dismissed in limine.

[PARAMJEET SINGH DHALIWAL]
JUDGE

09.05.2016
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