

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

LPA No.1110 of 2016
Date of Decision: 04.07.2016

NASIB CHAND

....Appellant

Versus

FINANCIAL COMMISIONER AND ORS

....Respondents

**CORAM:HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MRS. JUSTICE SNEH PRASHAR**

Present: Mr. Paramjit Rajput, Advocate
for the caveator.

MAHESH GROVER, J.(Oral)

This appeal is directed against the judgment of the learned Single Bench dated 09.05.2016. The appellant claims that he being an ex serviceman ought to have been given preference for the post of Lambardar and the order of the collector in favour of the present respondent No.4 based on perversity having not considered the relevant merits in detail deserves to be negated.

The selected candidate respondent No.4 is a household lady aged 35 years and a matriculate.

It has been urged before us that the appellant was more suited for the assignment.

The order of the collector in favour of the selected candidate(respondent No.4) was carried in appeal unsuccessfully but in revision the Financial Commissioner while accepting the claim

observed that Rajwant Kaur-respondent No.4 being a household lady may not be a fit person to do the job of Lambardar and further she has concealed the factum of working as Librarian.

This finding was not approved by the learned Single Bench and we are in complete agreement with the impugned judgment and the reasoning accorded therein. Infact the finding of the Financial Commissioner that Rajwant Kaur being a household lady may not be fit person for the post of Lambardar is a perverse finding and has rightly been disapproved by the learned Single Bench. The settled law that the finding of the Collector ought not to be interfered with unless any perversity is writ large on the selection would lead us to conclude in favour of the selected candidate-respondent No.4. We also find that the observation of concealment of facts was recorded erroneously by the Financial Commissioner as the respondent No.4 had at a point of time worked as Librarian under a scheme of the Government which stands extinguished and thus had no bearing on the consideration relevant to the selection procedure.

Consequently, we dismiss the appeal as the facts have revealed no such perversity in the choice of the Lambardar by the Collector.

Dismissed.

[MAHESH GROVER]
JUDGE

July 04, 2016
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[SNEH PRASHAR]
JUDGE