

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

LPA No.1859 of 2016 (O&M)

Date of Decision : 23.09.2016

Kuldeep Singh

....Appellant

Versus

Financial Commissioner (Revenue),
Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

Present: Mr.Sapan Dhir, Advocate
for the appellant.

MAHESH GROVER, J.

This appeal is directed against the judgment of the learned
Single judge dated 26.07.2016.

The dispute centres around the post of Lambardar of
village Takipur. Although numerous persons applied for the post but
the selection process centres around the appellant and respondent
No.4.

Learned counsel for the appellant contends that initially
the Collector had gone wrong in appointing the respondent No.4 as
Lambardar and an application for transfer of the case from the court
of Collector had been made but before it could be decided the issue
itself was decided. The transfer was sought on the ground that the
appellant did not have confidence in the officer. The Commissioner
upset the order of the Collector to appoint the appellant as Lambardar
but the Financial Commissioner upheld the choice of the Collector
which has also been affirmed by the learned Single Judge and is now

the cause of grievance to the appellant who contends that he is more meritorious with hereditary claim and thus ought to have been preferred over the respondent No.4. A reference has been made to comparative merits in tabulated form which may be extracted herebelow :

	Appellant	R-4	R-5	R-6	R-7	R-8
Age	38	37	No	41	26	22
Qualification	Higher Secondary	Middle	No proof	10 th	No proof	No. proof
Land-holding	4 acre	2Vi acre	4 acre	4 acre	2 Vi acre	No land

On due consideration we find that the order of the Collector does not suffer from any perversity and has thus been rightly upheld. The appellant does not have any exceptional comparative merit and the Collector having preferred the respondent No.4, his choice would have to be respected as per the settled proposition of law which lays down that the choice of the Collector need not be in interfered with unless gross perversity is shown. The plea of the appellant that he has a hereditary claim also does not warrant any acceptance as the rule of primogeniture has been done away with.

Thus, finding no infirmity in the findings recorded by the learned Single Judge, we decline to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

23.09.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No