

**LPA no. 2163 of 2016 (O&M)      1**

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

**LPA no. 2163 of 2016 (O&M)  
Date of Decision :04.11.2016**

Sodhi Singh

....Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present : Mr.Satnam Chauhan, Advocate for the appellant

**MAHESH GROVER, J.**

The present appeal is directed against the judgment of the learned Single Judge dated 24.8.2016.

The appellant alongwith other two persons was an aspirant for the post of Lambardar. The claim was duly considered by the Collector who found the appellant to be fit to discard the claims of the other two persons namely Kashmir Singh and Gurdev Singh.

The Commissioner before whom the appeal was preferred by Gurdev Singh found Kashmir Singh to be a better candidate which findings were over ruled by the Financial Commissioner who concluded that none of the candidates was suitable and directed the selection process to be initiated afresh. While giving reasons, it was observed that the appellant who is having a running workshop away from the village would probably not be able to offer easy availability to the residents. Against these orders the

appellant preferred a writ petition where the learned Single Judge agreed with the findings of the Financial Commissioner which is now the cause of grievance to the appellant who contends that the choice of the Collector ordinarily ought to be respected unless some perversity is shown in this regard. He placed reliance on case titled as Duli Chand vs. State of Haryana and another reported as 2012 (3) PLR 324, Rishi Pal vs. State of Haryana and others reported as 2015(2) Law Herald 1238, Phool Kumar vs. State Haryana and others reported as 2010(2) RCR (Civil) 819 and Mahavir Singh vs. Khiali Ram and others reported as 2009 AIR (SC) 1761.

It has been brought to our notice that Kashmir Singh had since expired.

It has been contended by the learned counsel for the appellant that apart from the fact that the wise choice of the Collector has been disturbed with no sustainable reasons offered, the learned Single Judge had ignored the documents appended with the writ petition whereby numerous villagers had supported the claim of the appellant, even stating that he was readily and easily available to them and vouching for his credibility and ability to render services to the village and villagers.

We notice from the impugned judgment that the learned Single Judge discarded these documents as they were actually undated, the dates having been appended by hand suggesting interpolation and procured documents. Thereafter the learned Single Judge went on to agree with the findings of the Financial Commissioner by observing that atleast two of the employees of the appellant gave statements about the fact of the appellant's

business atleast 8 kms away from the village.

After hearing learned counsel for the appellant, we are of the opinion that the impugned judgment does not warrant any interference as there is no illegality reflected therein. Sufficient reasons have been given to uphold the findings of the Financial Commissioner who had remitted the matter back for fresh consideration. We would thus decline interference in the absence of any error of jurisdiction or illegality in the impugned judgment and thus dismiss the appeal but before parting with the order we make it clear that in case the appellant participates in the process to be initiated afresh it would be open for the appellant to demonstrate before the competent authority the fact of his availability in the village to negate the observations made during the course of proceedings before the writ Court. The authorities relied upon by the appellant do not come to his rescue as they are distinguishable on facts. We make it clear that in the process so initiated and in the eventuality of the appellant being candidate nothing that has been said by the writ Court or the Financial Commissioner would not weigh on the process of consideration. There is absolutely no reason to doubt that the process would be initiated and concluded expeditiously.

Hence, dismissed.

**(Mahesh Grover)**  
**Judge**

**(Shekher Dhawan)**  
**Judge**

04.11.2016

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No