

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.319 of 2016 (O&M)
Date of Decision: March 03, 2016

Major Singh

.....Appellant

versus

Financial Commissioner, Revenue, Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.ADS Jattana, Advocate, for the appellant.
Mr.S.K.Arora, Advocate for caveator-respondent No.4.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

This letters patent appeal is directed against the order dated 06.01.2016 whereby learned Single Judge has upheld the appointment of respondent No.4 as Lambardar of village Khippanwali, Tehsil and District Fazilka. This is the second round of litigation between the appellant and respondent No.4 for appointment to the post of Lambardar of their village.

[2] The facts may be noticed briefly.

[3] The Collector initially appointed the appellant as Lambardar on 31.05.2010 but on appeal filed by respondent No.4, the order of the Collector was set-aside and the matter was remanded for fresh decision. Thereafter, the Collector passed the order dated 06.06.2011, this time in favour of

respondent No.4. The appellant went in appeal which was dismissed, so was the fate of his revision petition. The appellate and revisional orders were however set-aside by the learned Single Judge of this Court who allowed the writ petition and restored the appointment of the appellant on the premise that he was the original choice of the Collector on 31.05.2010 and unless there was an element of perversity in such selection, the Appellate and Revisional Authorities could not interfere with the same.

[4] Respondent No.4 challenged the order of learned Single Judge in LPA No.1975 of 2014 which was allowed to the extent that the order of learned Single Judge was set-aside and the case was remanded for fresh adjudication on the basis of comparative merit of the appellant and respondent no.4.

[5] After remand, the learned Single Judge vide order under appeal has upheld the subsequent order of the Collector dated 06.06.2011; appellate order dated 08.01.2013 and the revisional order of the Financial Commissioner dated 04.03.2014, appointing respondent No.4 as the Lambardar.

[6] We have heard learned counsel for the parties at a considerable length and gone through the record.

[7] It emerges out that the appellant is Graduate; owns land measuring 124 kanals 11 marlas; he is son of deceased-Lambardar and also served as Sarbarah Lambardar, i.e., as a temporary Lambardar. As against it, respondent No.4 is secondary pass; has obtained Giani diploma from Punjabi University; has got another diploma in Language Teacher and has also done the Farmer Training Course through correspondence from Punjab Agricultural University, Ludhiana. He owns 86 kanals and 17 marlas land. The agricultural loan

taken by him had been re-paid much before he was appointed as Lambardar by the Collector and 'No Dues Certificate' was issued in his favour. At the cost of repetition, it may be mentioned that in the second round of litigation respondent No.4 was the Collector's choice which was duly upheld by the Appellate and Revisional Authorities also.

[8] It may be seen that both, the appellant and respondent No.4, have broadly equal merits and in such a situation the choice made by the Collector on 06.06.2011, duly upheld by the Appellate and Revisional Authorities has rightly been not interfered with by the learned Single Judge, for such a selection cannot be termed perverse or contrary to the record.

[9] The appellant's contention that Punjabi language is one of the subject of B.A., hence no benefit of Giani diploma be extended to respondent No.4 or that S.D.M., Fazilka had also recommended his name, are inconsequential as the Collector, Appellate and Revisional Authorities have kept all these factors in view before selecting respondent No.4.

[10] The appellant is heavily banking upon the order dated 31.05.2010 vide which he was initially appointed by the Collector. The said order had a very short life span and was set-aside by the Appellate Authority on 31.03.2011. Similarly, the order of learned Single Judge accepting the appellant writ-petition on 12.11.2014, gives no advantage to him as that order too was set-aside in the intra-court appeal and on remand, the learned Single Judge has decided in favour of respondent No.4.

[11] Suffice to observe that even if two views are possible, it would not be a valid ground for this Court to

interfere with the order passed by learned Single Judge.

[12] No case to interfere with the order under appeal is made out.

[13] Dismissed.

[SURYA KANT]
JUDGE

March 03, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE

CM No.682 of 2016 in
LPA No.319 of 2016

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Major Singh versus Financial Commissioner, Revenue, Punjab
and others

Present : Mr.ADS Jattana, Advocate,
for the applicant-respondent.
Mr.S.K.Arora, Advocate,
for the caveator-respondent.

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Having heard learned counsel for the parties and
for the reasons mentioned in the application, the same is
allowed subject to all just exceptions and 06 days' delay in
filing the appeal is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

March 03, 2016
mohinder

(P.B.BAJANTHRI)
JUDGE