

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.714 of 2016 (O&M)

Date of Decision: May 03, 2016

Dilbagh Singh

.....Appellant

versus

Financial Commissioner, Punjab and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.Umesh Kumar Kanwar, Advocate, for the appellant.

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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 assails the order dated 11.03.2016 vide which the learned Single Judge has declined to interfere with the order passed by the Financial Commissioner, Punjab in the matter of appointment of Lambardar of village Jawandpur, Tehsil Khadoor Sahib, District Tarn-Taran.

The post of Lambardar fell vacant on account of death of Gurdit Singh, previous Lambardar. Applications were invited and finally appellant and respondent No.3 remained in fray. After referring to their comparative merit, the decision of the Collector tilted in favour of respondent No.3 and he was accordingly appointed. The aggrieved appellant filed an appeal

before the Commissioner who vide an ex-parte order set-aside the selection of the Collector. Respondent No.3 then went before the Financial Commissioner who set-aside the order of the Commissioner and remanded the case to that Appellate Authority to decide the appeal afresh. The Commissioner again set-aside the choice of the Collector and accepted the appeal of the appellant. Respondent No.3 challenged that order before the Financial Commissioner who vide order dated 07.12.2015 accepted the revision petition and set-aside the order of the Commissioner thereby restoring the selection made by the Collector.

The aggrieved appellant approached this Court but the learned Single Judge has declined to interfere with the order of the Financial Commissioner reiterating the settled principle of law that choice of the Collector in the matter of appointment of Lambardar should ordinarily be not interfered with unless found to be tainted with extraneous, perverse or alien considerations.

In the instant case, it is an admitted fact that both the candidates are matriculate. Respondent No.3 is an ex-serviceman and he owns three acres land. The appellant owns slightly less than three acres land though he has got experience as sarbrah Lambardar because previous Lambardar was his uncle. The experience may be one of the factor but cannot be the solitary ground to ignore the claim of respondent No.3 who is an ex-serviceman.

Be that as it may, both the candidates are equally meritorious. In such a situation, selection of respondent No.3 warrants no interference.

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No case to interfere with the order passed by
learned Single Judge is made out.

Dismissed.

**(SURYA KANT)
JUDGE**

May 03, 2016

mohinder

**(A.B.CHAUDHARI)
JUDGE**