

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

**CWP No.13690 of 2017
Date of Decision: 03.07.2017**

Madha Singh

....Petitioner

Vs.

Financial Commissioner (Appeals), Punjab and another

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Amandeep Singh Manaise, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is directed against the order passed by the Divisional Commissioner and the Financial Commissioner by which respondent No.2 has been appointed as Lambardar of Village Bandiawala, Tehsil and District Gurdaspur.

The petitioner was appointed as Lambardar by the Collector vide his order dated 4.9.2012. However, the said order was reversed by the Divisional Commissioner on the ground that the petitioner had never been appointed as Sarabrah Lambardar as claimed by him because as per the report of the Tehsildar, Gurdaspur dated 31.5.2011 Raghbir Singh was serving as Sarabrah Lambardar till 2003, when he died. It is also observed that respondent No.2 is more qualified and younger in age and also own more land. The said order has been upheld in appeal by the Financial Commissioner.

Learned counsel for the petitioner has submitted that the choice of the Collector has to be respected in the matter of appointment of Lambardar until and unless there is a perversity in his approach.

I have heard learned counsel for the petitioner and after examining the available record, am of the considered opinion that there is no error in the impugned orders because the Court has found that the petitioner had claimed himself to be Sarabrah Lambardar, which was found incorrect on the basis of the record of Tehsildar, Gurdaspur dated 31.5.2011 as per which Raghbir Singh was serving as Sarabrah Lambardar till 2003, when he died. There was no occasion for the petitioner to refer himself as Sarabrah Lambardar even if he had been working at the instance of Sarabrah Lambardar. The petitioner had not joined the proceedings for the appointment of Lambardar with clean hands and hence HIS antecedents were not appreciated by the Divisional Commissioner and Financial Commissioner while upsetting the order of the Collector.

In view thereof, I do not find any merit in the present petition and as such the same is hereby dismissed.

03.07.2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*