

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

**Civil Writ Petition No.18001 of 2017
Decided on : 22.09.2017**

Harmesh Kumar

... Petitioner

Versus

The Financial Commissioner (Revenue) and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Kuldeep Singh, Advocate
for the petitioner.

G.S. Sandhawal, J. (Oral)

The petitioner challenges the orders passed by the authorities below, whereby the respondent No.5 has been appointed as Lambardar of Village Khanauri Khurd, Tehsil Moonak, District Sangrur.

The sole argument which has been raised by the counsel for the petitioner is that the said respondent is politically alligned and the petitioner should have been given preference.

It is settled principle that Collector is the best judge in the case of appointments of Lambardar and interference is only to be done if the appointment is against rules or perverse. It has been found that there was a marginal difference between the merits of the petitioner and the private respondent. It is on account of the fact that the private respondent is more mature being 43 years of age, whereas the petitioner is a young man of 25 years, the preference has been as such given to the private respondent. It has also been kept in mind that the said respondent belongs to *Balmiki* caste which has got more population in the same village, whereas petitioner belongs to *Ramdasia* caste.

The said orders have also been upheld by the Divisional Commissioner on 26.11.2013 (Annexure P-4) and by the Financial Commissioner on 26.09.2016 (Annexure P-5)

In such circumstances, there is no illegality or irregularity in the orders passed by the authorities below, which would warrant interference under Article 226 of the Constitution of India, in view of the law laid down by the Division Bench in '**Nachhatar Singh Vs. State of Punjab and others**' 2005 (2) PLR 92 and '**Jog Dhian Vs. Financial Commissioner, Haryana and others**' 2005 (3) PLR 213.

Accordingly, there is no merit in the present writ petition and the same is dismissed in limine.

SEPTEMBER 22, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No