

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

CWP No.24913 of 2014
Date of decision : 28.02.2017

Suresh Kumar

...Petitioner

Versus

Financial Commissioner, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Sandeep Singh Mann, Sr. DAG, Haryana.

Mr. R.S. Malik, Advocate for respondent No.4.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the impugned orders rendered by the Financial Commissioner and Commissioner (Annexure P-5 and P-4, respectively), whereby appeal of the respondent No.4 against the appointment of petitioner as lambardar has been accepted and the revision petition filed thereof by the petitioner, has been dismissed.

Mr. Keshav Pratap Singh, learned counsel appearing on behalf of the petitioner submits that in pursuance to the remand order, petitioner was recommended by the Sub Divisional Magistrate and Collector appointed him as lambardar. The comparative analysis vis-a-vis land holding and the education qualification are identical except the age, in essence, respondent No.4 is 10 years younger than the petitioner. The

Commissioner set aside the order of the Collector, whereby petitioner was appointed as Lambardar on the ground that petitioner had exercised his claim not only on merits but as well as on the basis of inheritance, which does not find weightage with the Commissioner owing to the fact that after 2010, right of inheritance has been abrogated. Respondent No.4 was also found to be drawing more electricity than the sanctioned one, though it was compounded. All these factors were required to be gone into the mind of Collector in appointing him as lambardar, thus order of Commissioner and Financial Commissioner are not sustainable being perverse.

On the contrary, Mr. R.S. Malik, learned counsel appearing on behalf of respondent No.4 submits that Electricity Department had imposed a fine of overload on the respondent No.4 which has been paid, therefore, it cannot be the case of theft of electricity and thus, urges this Court for affirming the findings under challenge.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is no force and merit in the submission of Mr. Keshav Pratap Singh, Advocate, as younger people are more energetic, have better reflexes than the older people and can render assistance to the villagers as and when required much less are available at the beck and call of the villagers. No doubt recommendation of Sub Divisional Magistrate and appointment by Collector cannot be tinkered with but the facts as revealed above, the respondent No.4 is working as lambardar since 2004 and there has not been any single case of complaint, in essence, till date has impeccable record.

For the reasons aforementioned, I do not intend to differ with

the findings rendered in the orders under challenge.

No ground for interference is made out.

Accordingly, present writ petition stands dismissed.

28.02.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No