

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.2077 of 2017

Date of Decision.07.02.2017

Pargat Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

Present: Mr. Harchand Singh Batth, Advocate
for the petitioner.

Mr. G.L. Bajaj, Advocate
for the caveator-respondent No.4.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned order passed by the Collector and as well as the Financial Commissioner who has upheld the appointment of private respondent-Harmesh Kaur as Lambardar.

Mr. Batth, learned counsel appearing for the petitioner submits that since the post of Lambardar had become vacant, the process of appointment was initiated. The Collector had recommended the name of respondent No.4 but the Commissioner set aside the order on the premises that the petitioner is a matriculate *viz-a-viz* the respondent No.4 who is 5th pass, though both are having the same age. However, in revision preferred by respondent No.4, the Financial Commissioner did not assign any reason qua merit and demerit of the candidates and simply endorsed the view of the Collector. The revisional court was required to go into the legalities and illegalities/merits and demerits and therefore, the impugned orders, particularly the order passed by the Financial Commissioner is not

sustainable in the eyes of law.

Notice of motion.

Mr. G.L. Bajaj, learned counsel appearing for the caveator-respondent No.4 accepts notice and contends that as per the ratio decidendi culled out by Hon'ble Supreme Court in **Mahavir Singh Vs. Khiali Ram and others 2009(3) SCC 439**, the recommendation of the Collector as per Section 28 of the Punjab Land Revenue Act, 1887 and Rules 15 and 16 of the Punjab Land Revenue (Lambardar) Rules, 1908 is one of the criteria for appointment of Lambardar. Once both the candidates are of the same age, the petitioner cannot be said to have weighage of age, thus, urges this Court for upholding the order under challenge.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Batth as the drive for empowering the women is in full swing. People would have more confidence in case the office of the lambardar is represented by a woman. It has been a case where the illiterate persons are more intelligent than the literate ones. It is the acumen of the common knowledge/intelligence which was actually weighed and noticed by the Collector and on striking the equities, recommended the name of respondent No.4.

The argument of Mr. Batth with regard to application of mind by the Financial Commissioner has also not been able to cut the ice as the scope of revision is very limited. The petitioner has not been able to point out any illegality and perversity, therefore, while endorsing the order impugned, the revisional court may not record sufficient reasons, which according to the petitioner were required to be.

I do not find any reason to interfere with the orders under challenge, much less, no ground for interference is made out for judicial review. The writ petition stands dismissed.

(AMIT RAWAL)
JUDGE

February 07, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No