

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

CWP No.2623 of 2016

Date of Decision.17.01.2017

Lakhvir Singh

.....Petitioner

Vs

Financial Commissioner (Revenue) Punjab and others

.....Respondents

Present: Mr. B.S. Bhinder, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

-.-

AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned order whereby the respondent No.4 has been appointed as Lambardar.

Learned counsel for the petitioner submits that the Collector has wrongly initiated the process of filling up the post of Lambardar on the premise that the previous Lambardar had already left the village and moved to Pakistan during the partition whereas the petitioner's father and grandfather had been Lambardar. The petitioner has more merit than respondent No.4. Nine persons had applied for the appointment of the aforementioned post and it is the 4th respondent who has been selected. The order of the Collector is based upon the incorrect particulars and the reasoning is totally erroneous and atrocious. The appeal and the revision have also met with the same fate. The authorities did not take into consideration the aspects especially taken in the grounds of the petition, thus, the orders under challenge are liable to be set aside.

I have heard learned counsel for the petitioner, appraised the

paper book and the records and of the view that name of the respondent

No.4 was recommended by the Assistant Collector. There is amendment in the Act whereby the name on the basis of hereditary has been deleted and therefore, the petitioner should not have any grouse to that effect. The recommendation of the Collector cannot be interfered with by invoking the doctrine akin to judicial review unless and until there is gross illegality and non-application of mind, which is not the case of the present petitioner. Except the finding that respondent No.4 has more land than the petitioner, the recommendation of the Assistant Collector Grade I, Gurdaspur has been accepted and I do not intend to differ with the order passed by the authorities below regarding the appointment of respondent No.4 who had been appointed way back in the year 2010. No ground for interference is made out, much less, judicial review.

The writ petition is dismissed.

(AMIT RAWAL)
JUDGE

January 17, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No