

CWP No.24321 of 2017

[1]

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

**CWP No.24321 of 2017
Date of decision:27.10.2017**

Jagjit Singh

...Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. J.S.Lalli, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner is one of the applicants who had applied for appointment to the post of Lambardar of village Bussowal, Tehsil Sultanpur Lodhi, District Kapurthala, which became available on the demise of Shivdev Singh on 30.08.2007. The Naib Tehsildar recommended the name of the petitioner but the Sub Divisional Magistrate recommended the name of respondent no.5 to the Collector, who appointed him as Lambardar on 02.08.2011. Appointment of respondent no.5 was challenged by the petitioner and other candidates by way of appeal before the Commissioner, Jalandhar Division, Jalandhar. The appeal filed by one Harjit Singh was allowed and he was appointed as Lambardar vide order dated 19.02.2014. The order of the Divisional Commissioner was challenged by the petitioner and Mohinder Singh, who was appointed by the Collector. The Financial Commissioner, vide his order dated 19.10.2016, dismissed the case of the petitioner as well as Mohinder Singh and upheld the order of appointment of Harjit Singh.

Counsel for the petitioner has submitted that Mohinder Singh has filed CWP No.4618 of 2017, which is pending for 21.11.2017. He has submitted that since the petitioner is more meritorious than the other candidates, therefore, he should have been appointed as Lambardar. Besides this, he has also set up the hereditary claim.

I have heard learned counsel for the petitioner and examined the available record.

There were 10 candidates in fray for the post of Lambardar. Name of respondent no.5 was recommended by the Sub Divisional Magistrate and the Collector, vide his order dated 02.08.2011, found Mohinder Singh to be more suitable than others on the ground that he has studied upto B.A. Part-I, aged 44 years, possessing good health, presently member of the Paswak Committee of the village, remained member of the Cooperative society for five years and his name was recommended by the Sub Divisional Magistrate. However, the Commissioner found Harjit Singh as more suitable and appointed him as such. The Financial Commissioner found that Mohinder Singh was a bank defaulter and upheld the appointment of Harjit Singh and insofar as the petitioner is concerned, he was not found suitable at all.

The very fact that the petitioner was not found suitable by the Collector, Commissioner and the Financial Commissioner is sufficient to prove that he has never been the choice of any of the revenue authority for the purpose of appointment as Lambardar and the appeal of Mohinder Singh, who was appointed by the Collector, was rejected by the Financial Commissioner and the matter that Mohinder Singh was a bank defaulter is to be examined by this Court, which is pending adjudication by way of writ petition.

Thus, merely the pendency of the writ petition at the instance of Mohinder Singh is not a ground in favour of the petitioner for considering his claim because he has been rejected concurrently by all the revenue authorities.

In view thereof, I do not find any merit in the present petition and hence, the same is hereby dismissed, being denuded of any merit, though without any order as to costs.

October 27, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No