

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

CWP-6263-2015

Date of decision: 28.11.2017

Narinder Singh

... Petitioner

Versus

Financial Commissioner, Punjab & ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Naresh Jain, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

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

Rakesh Kumar Jain, J.(Oral)

The matter pertains to the appointment of Lambardar of village Rajla, Tehsil Samana, District Patiala. The Assistant Collector IInd Grade recommended the name of respondent No.4 whereas Assistant Collector Ist Grade was in favour of the petitioner. However, the Collector found respondent No.4 more suitable and appointed him as Lambardar of the village vide his order dated 12.06.2007 (Annexure P-2). On an appeal filed before the Divisional Commissioner, Patiala, the matter was remanded back to the District Collector – respondent No.3. Respondent No.4 challenged the order of Commissioner by way of an appeal to the Financial Commissioner – respondent No.1 but remained unsuccessful.

Feeling aggrieved, respondent No.4 filed writ petition before this Court, which was also dismissed and the matter was remanded back to the Collector to clarify the issue of illegal possession of the petitioner before adjudicating on the issue of appointment of Lambardar. After the remand,

the District Collector found that the petitioner was not in illegal possession rather he was paying rent to the gram panchayat and was legally in possession but he found respondent No.4 more suitable than the petitioner and also observed that as the father of the petitioner was earlier a Lambardar and this fact cannot be taken into consideration as Lambardari is no more a hereditary institution. The petitioner remained unsuccessful before the Divisional Commissioner and the Financial Commissioner.

Learned counsel for the petitioner has submitted that the petitioner is more meritorious than respondent No.4 whereas in the two rounds of litigation, the Collector has found respondent No.4 more suitable to the post of Lambardar especially when majority of the villagers were in his favour and is more influential in the village. The Collector's choice has to be given preference.

I have heard learned counsel for the parties and perused the record but I am not in a position to persuade myself to accept the contention of the learned counsel for the petitioner to disturb the concurrent finding recorded by the Revenue Authorities in the matter of appointment of Lambardar.

In view of the above discussion, the present petition is dismissed.

28.11.2017
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(Rakesh Kumar Jain)
Judge

1. Whether reportable? Yes/No
2. Whether speaking/non-speaking? Yes/No