

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

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*CWP No.26789 of 2017*

*Date of Decision: November 27, 2017*

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Vijay Kumar

. . . . . Petitioner

Vs.

State of Punjab and others

. . . . . Respondents

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**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN**

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Present: - Mr.Arvind Kashyap, Advocate, for the petitioner.

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***RAKESH KUMAR JAIN, J. (ORAL)***

The petitioner has challenged the order of the Financial Commissioner by which the order of the Commissioner has been set aside and the order of the Collector has been upheld.

In brief, the post of Lambardar (SC) of village Sharaf Chak became available after the death of Tirath Ram. Bodh Raj was recommended by the Assistant Collector 2<sup>nd</sup> Grade whereas Kam Raj was recommended by the Assistant Collector 1<sup>st</sup> Grade. The Collector, Gurdaspur found Bodh Raj more suitable for the post of Lambardar than the other candidates and appointed him as such. The order of the Collector was challenged by way of two appeals, filed by Kam Raj and Vijay Kumar (petitioner herein). The appeal filed by Vijay Kumar (petitioner herein) was allowed by the Commissioner vide order dated 20.1.2014 on the ground that he is an ex-serviceman. However, the said order of the Commissioner was reversed by the Financial Commissioner on the ground that the choice of the Collector should not have been interfered with until and unless a perversity is found in

his choice. The order dated 14.12.2016 passed by the Financial Commissioner has thus been challenged by way of the present petition.

Learned counsel for the petitioner has argued that the petitioner is an ex-serviceman and is a graduate from Army, therefore, he should have been preferred in place of Bodh Raj (respondent No.5).

I have heard learned counsel for the petitioner and after taking into consideration the facts and circumstances, am of the considered opinion that there is no merit in the present petition because it is now well settled that the choice of the Collector has to be respected until and unless there is a perversity in his approach. The perversity would be if the evidence available on record has not been considered or the finding has been recorded without there being any evidence on record. The Collector after taken into consideration all the aspects found Bodh Raj (respondent No.5) more suitable than the petitioner and therefore, appointed him to the post of Lambardar but the Commissioner reversed the order of the Collector by giving his own preference without holding that there is any perversity in the order of the Collector. The Financial Commissioner has thus rightly set aside the order of the Commissioner holding that the order of the Collector cannot be reversed until and unless any perversity is found in it.

In view of the above, I do not find any reason to interfere in this petition and hence the same is hereby dismissed.

NOVEMBER 27, 2017

*Vivek*

(RAKESH KUMAR JAIN)  
JUDGE

*Whether speaking /reasoned :* Yes/No

*Whether Reportable :* Yes/No