

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

**CWP No.2727 of 2017
Date of decision:15.02.2017**

Pal Singh
Vs.
... Petitioner

Financial Commissioner (Appeals), Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sandeep Jain, Advocate
for the petitioner.

Mr. G.S.Nagra, Advocate
for the caveator/respondent No.5.

AMIT RAWAL J. (Oral)

Notice of motion.

On asking of the Court, Mr. G.S.Nagra, Advocate accepts
notice on behalf of the respondent No.5.

The petitioner is aggrieved of the impugned order dated
24.10.2016 (Annexure P-4) passed by the Financial Commissioner
(Appeals), Punjab, whereby the appeal filed by respondent No.5 against the
order dated 26.09.2014, has been allowed.

Mr. Sandeep Jain, learned counsel for the petitioner submits
that petitioner – Pal Singh aged about 55 years was recommended by the
Sub-Divisional Magistrate for appointment to the post of Lamberdar on
account of vacation of aforementioned post. However, private respondent
No.5- Kuldeep Singh was recommended by the Assistant Collector. It is

third round of litigation. Though there had been an order of remand, yet the Commissioner upheld the order of the Collector for appointment as Lamberdar. The brother of the petitioner was also a Lamberdar and therefore, some preference was required to be given, no doubt, the plea of inheritance has been repealed. Despite remand, the Commissioner has not looked into these aspects, thus, there is gross illegality and perversity in the orders under challenge.

Per contra, Mr. G.S.Nagra, learned counsel appearing on behalf of respondent no.5 submits that his client is matriculate and is younger than petitioner. All these factors weighed in the mind of the authorities below. Even the recommendation was also done by the Assistant Collector. He worked upto 2014 and there is no complaint against him. He, thus, urges this Court for dismissal of the present writ petition.

I have heard learned counsel for the parties and appraised the paper book and of the view that record of respondent no.5 leaves no manner of doubt that he was discharging the duties of Lamberdar to the satisfaction of the villagers and the officers, whereas, the petitioner does not have any educational qualification certificate. The petitioner was 55 years old at that time owns 18 bighas of land. Once the villagers are satisfied with the working of respondent no.5, the finding rendered by the Commissioner in upholding the appointment of Kuldeep Singh is justified. The law with regard to recommendation is no longer res integra, in essence, recommendation of the Collector is sacrosanct. This view of mine is derived from the ratio decidendi culled out by the Hon'ble Supreme Court in

Mahavir Singh vs. Khiali Ram and others 2009(3) SCC 439. I am of the view that there is no illegality and perversity in the order under challenge.

Accordingly, the writ petition stands dismissed.

(AMIT RAWAL)
JUDGE

February 15, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No