

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

CWP No.28147 of 2017
Date of Decision: 12.12.2017

Sukhwinder Dass

. . . . Petitioner

Vs.

The State of Punjab and others

. . . .Respondents

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

Present: Mr.S.S. Rangi, Advocate, for the petitioner.

RAKESH KUMAR JAIN, J.

The office of the Lambardar of Village Jakhepal, Tehsil Rajpura, District Patiala became vacant after the death of Rattan Dass on 15.3.2011. Two applications, one by the petitioner and other by respondent No.4 were received after the proclamation was made in the village to fill up the vacancy. The Assistant Collector, 2nd Grade, Rajpura recommended the name of the petitioner vide his report dated 4.10.2011 but the Assistant Collector, 1st Grade, Rajpura recommended the name of respondent No.4 to the District Collector, Patiala, who vide his order dated 25.4.2012 appointed respondent No.4 to the said post. The petitioner questioned the appointment of respondent No.4 by way of an appeal which was allowed by the Commissioner, Patiala Division, Patiala on 18.12.2012. Respondent No.4 challenged the said order of the Commissioner before the Financial Commissioner in which he became successful as the order dated 18.12.2012 was set aside vide order dated 23.10.2017 upholding the order of the Collector, Patiala dated 25.4.2012.

Learned counsel for the petitioner has submitted that the petitioner is more meritorious than respondent No.4 as has been held by the Commissioner, therefore, the orders of the Collector and the Financial Commissioner are patently erroneous and illegal. It is submitted that the petitioner is 10th class pass and 32 years of age and respondent No.4 is 8th class pass and 45 years of age.

I have heard learned counsel for the petitioner and after taking into consideration the facts and circumstances, am of the considered view that there is no error in the order of the Collector and the Financial Commissioner because it has rightly been held by the Financial Commissioner that the appointment of the Lambardar is a prerogative of the Collector, who had passed a well reasoned order and without there being any perversity, his order should not have been set aside by the Commissioner.

Consequently, the present petition is hereby dismissed though without any order was to costs.

12.12.2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*