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

**CWP-9549-2015 (O&M)
Date of decision : 21.02.2017**

Gurmail Singh

... Petitioner

Versus

Financial Commissioner (Revenue), Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S. Sekhon, Advocate
for the petitioner.

Ms. Monica Chhibber Sharma, DAG, Punjab.

Mr. M.S. Sidhu, Advocate
for respondent No.2.

AMIT RAWAL, J. (ORAL)

The petitioner is aggrieved of the impugned order dated 30.01.2015 (Annexure P-6) rendered by the Financial Commissioner (Revenue), Punjab, whereby appointment of the petitioner for the post of Lambardar of Village Wara Jawahar Singh Wala, Tehsil and District Ferozepur, has been set aside and respondent No.2 has been appointed as Lambardar.

Mr. R.S. Sekhon, learned counsel appearing on behalf of the petitioner submits that owing to the death of Kartar Singh son of Veer Singh, a process for the appointment of the Lambardar was initiated. On the

basis of the recommendation made by the Naib Tehsildar, the petitioner was recommended for appointment and resultantly, the District Collector-cum-Deputy Commissioner vide order dated 21.08.2007 appointed the petitioner as Lambardar. Feeling aggrieved of the aforementioned order (Annexure P-1), appeal was filed, which was dismissed vide order dated 26.09.2008 (Annexure P-2). However, the Financial Commissioner vide order dated 20.08.2009 remanded the matter back for ordering fresh proclamation by inviting fresh application. The fresh proclamation was initiated by the District Collector and petitioner and respondent No.2-Sukhmander Singh filed the applications and after hearing both the candidates, recommended the name of the petitioner for the appointment for the post of Lambardar and the Collector, vide order dated 07.02.2011, appointed the petitioner as Lambardar. The appeal filed before the Commissioner was dismissed vide order dated 01.11.2012. However, the Financial Commissioner by exercising the revisional powers set aside the appointment of the petitioner as Lambardar and ordered for the appointment of respondent No.2. The aforementioned order is not in accordance with law. The order of the Collector appointing the Lambardar on the recommendations is the final authority.

He further submits that the petitioner is 53 years' old and having passed 7th standard pass viz-a-viz the private respondent(s), who is 43 years' old and 10th standard. The landholding of them almost is identical, therefore, younger people should not have given more credence, thus, urges this Court for setting aside the impugned order under challenge.

On the contrary, Mr. M.S. Sidhu, learned counsel appearing on

behalf of the private respondent No.2 submits that the petitioner had without authority withdrawn the salary treating himself as Lambardar, but no doubt vide (Annexure R-1) attached with the application, had submitted a request for not withdrawing further salary/remuneration, but it, itself, is a pointer of the *mala fide* approach and intention of the petitioner and it is, in this backdrop of the matter, the Financial Commissioner set aside order and the impugned order under challenge is perfectly legal and justified, thus, urges this Court for dismissal of the present writ petition.

I have heard the learned counsel for the parties and appraised the paper book and of the view that there is no merit and substance in the submission of Mr. R.S. Sekhon, for, this Court called upon learned counsel for the petitioner as to whether remuneration, which he has wrongly received upto May 2010, is surrendered by him or not and the answer was in 'negative'. It itself is a breach of the obligation on the part of the petitioner by drawing the remuneration as Lambardar which he was not entitled for the same at that time. This factor is enough for the Financial Commissioner to strike the balance and order for appointment of respondent No.2 as Lambardar as he is younger in age and more educated. Younger people can always move along swiftly and available for rendering the services to the villagers as and when required. Though, requirement of education qualification is 8th pass, but the vagaries of the life have to be measured not only by life experience, but also by education experience.

I am of the view that impugned order under challenge setting aside the order of Collector are based upon equity and merits and do not call for interference.

No ground for interference is made out.
Resultantly, present writ petition is dismissed.

21.02.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No