

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

CWP No.9935 of 2015
Date of decision : 02.02.2017

Satpal Singh

...Petitioner

Versus

Financial Commissioner Revenue Punjab and ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Sanjeev Pandit, Advocate for the petitioner.

Mr. Yatinder Sharma, Addl. A.G. Punjab.

Mr. D.K. Bhatti, Advocate for respondent No.3.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the impugned orders dated 24.12.2013 (Annexure P-3) and 24.02.2015 (Annexure P-5), whereby the Commissioner and the FCR had set aside the order of the Collector, whereby petitioner was appointed as Lambardar.

Contention of Mr. Sanjeev Pandit, learned counsel for the petitioner is that the petitioner is Retired Subedar from the Army. Collector on the basis of the recommendations of the Assistant Collector appointed him as Lambardar, since vacancy for filling up the post of aforementioned post had fallen vacant. Private respondent was also contestant. However, in appeal taken before the Commissioner, plea of the private respondent has been accepted by taking into consideration younger in age. He does not

deny the fact that both the parties are retired army officials, in essence, respondent No.3 is retired as Captain. Now the petitioner is aged 70 years, whereas private respondent would be five years younger. The orders of the Collector based upon the appreciation of all the facts i.e. the land holding, contribution towards the social activities in the Village, much less, antecedents weighed in the mind which could not be tinkered with, therefore, impugned orders are not sustainable in the eyes of law.

On the contrary, Mr. Bhatti, learned counsel appearing on behalf of respondent No.3 submits that respondent is younger in age and retired as Captain, therefore, petitioner has to show regard and respect being Retired Subedar. Younger people are more energetic and can be available at the beck and call of the villagers, whenever the services of the Lambardar is required. The order of the Commissioner thus is perfectly legal and justified, therefore, cannot be said to be suffering from any illegality or perversity.

I have heard learned counsel for the parties and appraised the paper book and of the view that orders under challenge are in accordance with law. The Commissioner has given weightage to a candidate according to ranks in army i.e. before retirement vis-a-vis petitioner, as noticed above. On striking equities, the petitioner is a Retired Subedar whereas private respondent is Captain and much younger in age. Younger men can always move along swiftly and available for rendering the services to the villagers as and when required. The petitioner has already attained the age of 70 years vis-a-vis age of respondent No.3 is between 60 to 65 years.

I am of the view that orders of the authorities 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.

02.02.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No