

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

CWP No.3231 of 2017

Date of Decision.06.03.2017

Lal Singh

.....Petitioner

Vs

Financial Commissioner, Punjab and others

.....Respondents

Present: Mr. Harminder Singh, Advocate
for the petitioner.

Mr. Beant Singh Seemar, Advocate
for respondent No.4.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Learned counsel for the petitioner is aggrieved of the impugned orders passed by the Commissioner and the Financial Commissioner whereby the appeal and revision challenging the order of the Collector appointing respondent No.4 as Lambardar, have been dismissed.

The contention of the counsel for the petitioner is that the selected candidate-respondent No.4 is having eye impairment and therefore, he cannot perform the duties of Lambardar, though he is younger in age, 12th pass and owns land measuring 78 kanals 3 marlas viz-a-viz the petitioner who is 65 years of age, 5th class pass and owns 77 kanals 14 marlas of land.

Some other unsuccessful candidate had also assailed the appointment of the private respondent along with the petitioner before the Financial Commissioner, though the revision petition filed by the petitioner has been dismissed but the revision petition filed by the aforementioned candidate is still stated to be pending. The counsel for the petitioner

contends that the petitioner may be allowed to move application in the pending revision petition in order to avoid conflict of interests/findings.

On the contrary, the elected candidate i.e. respondent No.4 is present in Court. This Court pointed out the number of fingers to be told which was answered by him in affirmative/correctly. He has good eye sight qua one eye and person with one eye can perform all the duties which a person with normal eye sight can do except any technical activity like indulging into shooting or any other activity. He had been working as Lambardar since 2015 and there has been no complaint with regard to his visual impairment which came in the way of performing his duties relating to the office of Lambardar.

There is no chance for the petitioner to move an application in the pending revision petition filed by some other person especially when the revision petition filed by him has already been dismissed. He cannot be allowed to enter into another round of litigation.

A younger person can perform better than the old one. Even the educational qualification of the petitioner is less than the selected candidate. The recommendation of the Collector cannot be tinkered with unless and until he is able to establish that there is gross illegality and perversity. No ground for interference is made out.

The writ petition is dismissed.

(AMIT RAWAL)
JUDGE

March 06, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No