

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

LPA No.671 of 2017 (O&M)

Date of Decision : 04.05.2017

Kashmiri Lal

....Appellant

Versus

State of Punjab and others

...Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN**

....

**Present : Mr.M.S.Kang, Advocate
for the appellant.**

.....

MAHESH GROVER, J. (Oral)

The appellant is in appeal against the judgment of the learned Single Judge upholding the appointment of respondent No.4 as Lambardar.

Learned counsel for the appellant contends that Rule 19-B of Punjab Land Revenue Rules has not been taken into account by the authorities concerned as also the learned Single Judge. We may extract Rule 19-B herebelow :-

“19-B Notwithstanding anything to the contrary contained elsewhere in these rules, where the population of Harijans or members of the Scheduled castes including Christians as ascertained in the last preceding census is 100 or more in an estate, there shall be appointed one

additional Headman from amongst the Harijans or members of the Scheduled castes including Christians, subject to the following conditions :-

- (i) In appointing the headman, regard shall be had among other matters, to
 - (a) services rendered to the State by him or his family;
 - (b) his personal influence, character, ability and freedom from indebtedness.”

Learned counsel for the appellant with reference to Rule 19-B contends that these are issues which ought to have been considered in his favour but despite the fact that the appellant is more popular having been elected Panch twice over and having served the society in various capacities which have been noticed in detail by the Collector himself, yet respondent No.4 has been chosen over and above him for no exceptional reason and rather two factors have been taken into account that is of respondent No.4 being younger and well versed with Lambardari matters.

After hearing the learned counsel for the appellant and perusing the material on record particularly the order of the District Collector, we are of the opinion that both the candidates probably projected similar background and equal merit.

Eventually the Collector preferred his right over respondent No.4 by noticing that he is younger in age and is in the forefront as far

as social works are concerned. It is settled principle of law that choice of a Collector needs to be respected and unless perverse interference should be scarce.

We do not find any perversity in the choice of the Collector particularly when more or less both the candidates were placed equally in terms of status in the village and their effectiveness in rendering social works. In so far as Rule 19-B is concerned, there does not seem to be any violation thereof as the personal influence of both the candidates, character and ability seem to be on an equal footing. Learned counsel for the appellant stressed that there should have been an inquiry in the matter of freedom from indebtedness. We are of the opinion that there was no occasion to embark upon such a process in the absence of any allegation by either of parties to this effect. Consequently finding the choice of the Collector to be free from dent and not suffering from any perverse reasoning and the fact that the learned Single Judge affirmed the choice of the Collector, we would find no reason to interfere.

Dismissed.

(MAHESH GROVER)

JUDGE

04.05.2017

dss

(SHEKHER DHAWAN)

JUDGE

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