

In the High Court of Punjab and Haryana at Chandigarh

CWP No.16630 of 2018

Date of decision: July 11, 2018

Jit Singh

..... Petitioner

Versus

Financial Commissioner (Revenue) Punjab and others

..... Respondents

CORAM: Hon'ble Mr. Justice Augustine George Masih

Present: Mr. T.P.S. Tung, Advocate for the petitioner.

Augustine George Masih, J. (ORAL)

The petitioner has approached this Court praying for setting aside of the order dated 23.01.2018 (Annexure P-3) passed by the Financial Commissioner (Revenue) Punjab Civil Secretariat, Chandigarh rejecting the revision petition of the petitioner, order dated 18.08.015 passed by the Divisional Commissioner, Patiala Division, Patiala whereby the appeal of the petitioner was dismissed and the order dated 24.12.2014 passed by the District Collector, Ludhiana appointing Dalbara Singh-respondent No.4 as Lambardar of village Bhanohar, District Ludhiana being illegal, arbitrary and against the facts of the case.

It is the contention of the learned counsel for the petitioner that the petitioner was more meritorious than respondent No.4-Dalbara Singh, who is 67 years of age, middle pass and an Ex-Bank employee whereas the petitioner is 63 years of age, matric pass with 23 years of service in BSF and five years in the Punjab Police. He contends that his appeal has been

rejected by the Appellate Authority merely on an assertion that the petitioner is working as a guard and, therefore, would not be available in the village and thus not suitable for appointment to the post of Lambardar, which requires presence of the person concerned in the village.

The Revisional Authority has also proceeded to decide the revision on that very basis without considering the claim of the petitioner. He, therefore, contends that the orders passed by the authorities below cannot sustain and deserves to be set aside.

I have considered the submissions made by learned counsel for the petitioner and with his assistance have gone through the impugned orders. A perusal of the order passed by the District Collector, Ludhiana dated 24.12.2014 would give the respective qualifications of the two candidates i.e. the petitioner as well as respondent No.4. As regards respondent No.4-Dalbara Singh, it is mentioned that he is 67 years of age, middle pass and owns three acres of land. He is an Ex-Bank employee and an Ex-Panchayat Member and apart from that he remains present in the village. As regards the petitioner, it has been asserted that he is metric pass, 63 years of age with service of 23 years in BSF and five years in the Police Department. He also remains present in the village. The District Collector had accepted the recommendation of the Naib Tehsildar Mullanpur Dakha and SDM (West) Ludhiana wherein Dalbara Singh-respondent No.4 has been found to be more suitable for appointment to the post of Lambardar. The recommendations having been accepted, the petitioner has not been appointed instead respondent No.4 stood appointed.

Considering the respective merits of both the candidates, I am in agreement with the order passed by the District Collector, Ludhiana dated 24.12.2014 irrespective of fact that Appellate Authority and Revisional Authority had not considered this aspect and had only decided the appeal and

revision petition of the petitioner on the ground that he is working as a guard which fact is vehemently disputed by the petitioner's counsel. Assuming that assertion of the counsel for the petitioner is correct, the net result would be the same and the conclusion as drawn by the District Collector, Ludhiana vide impugned order dated 24.12.2014 (Annexure P-1) cannot be doubted with. There being no illegality in the order which is under challenge especially order dated 24.12.2014 passed by the District Collector appointing respondent No.4 as Lambardar, this Court in exercise of its writ jurisdiction would not interfere in the matter in dispute.

The writ petition, therefore, stands dismissed.

(Augustine George Masih)

Judge

July 11, 2018

jt

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