

CWP-17525-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-17525-2018

Date of Decision: 19<sup>th</sup> July, 2018

Narinder Kaur

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. M.S. Kang, Advocate,  
for the petitioner.

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AUGUSTINE GEORGE MASIH, J.

Challenge in this writ petition is to the order dated 16.08.2015 (Annexure P-1), whereby, respondent No.4-Dalbir Singh son of Rattan Singh has been appointed as general category Lambardar of village Balkohna, Tehsil Nakodar, District Jalandhar, by the Deputy Commissioner-cum-District Collector, Jalandhar, order dated 30.05.2017 (Annexure P-2) passed by the Commissioner, Jalandhar Division, Jalandhar, dismissing the appeal of the petitioner and order dated 30.04.2018 (Annexure P-3) passed by the Financial Commissioner, Punjab, dismissing the revision petition preferred by the petitioner.

2. It is the contention of the learned counsel for the petitioner that the petitioner is much more qualified and meritorious candidate being the widow of Gurdev Singh Sidhu, who was general category Lambardar of the village prior to his death and therefore, has a hereditary claim. Apart from

this, petitioner possesses 40 kanals of land and a residential house as compared to 4 kanals and 14 marlas of land and pucca house of 21 marlas of respondent No.4 in the village. Besides that, petitioner is younger in age i.e. 54 years, whereas, respondent No.4 is 63 years of age. Petitioner being widow of the previous Lambardar has gained sufficient knowledge about the working of the Lambardar and is also the President of the Village Cooperative Society, therefore, is an influential person in the village and should have been appointed as Lambardar of the village. Counsel for the petitioner asserted that there is no disqualification attached to the petitioner and therefore, having preferential and better right, she should have been given precedence over respondent No.4, who has been given the benefit of he being an ex-serviceman with the experience of service, which would not cut much ice. He, therefore, prays that the present writ petition be allowed by setting aside the appointment of respondent No.4 as a Lambardar and the petitioner be appointed as such in his place.

3. I have considered the submissions made by the learned counsel for the petitioner and with his able assistance, have gone through the impugned orders as well as the records of the case.

4. It is a settled principle of law that the choice of the Collector should not be upset lightly unless it is found that the order passed by the Collector is suffering from any patent illegality, perversity or jurisdictional error. It is not in dispute that both the candidates i.e. petitioner and respondent No.4 are qualified for appointment to the post of Lambardar. It is, therefore, the comparative merit of the candidates, which has to be

assessed and the best person to assess the same is the District Collector, which has not only the benefit of original records but has also got the opportunity to interact with the candidates apart from the recommendations of the Naib Tehsildar and the Tehsildar besides he being an officer of the moment and placed in the fields.

5. While looking at the comparative merit of the candidates, according to which the petitioner although is younger in age and owns more land in the village as well the President of the Village Cooperative Society with matriculation pass when compared with the comparative merit of respondent No.4, who is 63 years of age with having studied upto B.A. first year and land in the village with a pucca house of 21 marlas, he is an ex-serviceman worked as a Telecom Mechanic in the Army for 25 years, has participated in the 1971 war with Pakistan, has been given preference over the hereditary claim of the petitioner as he is more qualified, intelligent and well-aware of the duties and responsibilities of the Lambardar as is apparent from the order dated 16.08.2016 passed by the District Collector, Jalandhar, which has been upheld by the Commissioner, Jalandhar Division, Jalandhar vide order dated 30.05.2017 in an appeal and vide order dated 30.04.2018 by the Financial Commissioner, Punjab, in the revision petition preferred by the petitioner.

6. This Court finds itself in agreement with the orders passed by the authorities below and there being no perversity, illegality or jurisdictional error on the part of the District Collector in exercising its discretion where the order appointing respondent No.4 as Lambardar is a

CWP-17525-2018

well-considered and reasoned one which do not call for any interference of this Court in exercise of its discretionary powers in the writ jurisdiction.

7. Finding no merit in the present writ petition, the same stands dismissed.

19<sup>th</sup> July, 2018  
*Harish*

( AUGUSTINE GEORGE MASIH )  
JUDGE

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |