

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

CWP No. 20882 of 2018
Date of decision: 07.09.2018

Jagdish Chander

....Petitioner(s)

Versus

Financial Commissioner, Haryana, Chandigarh and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Mani Ram Verma, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The present writ petition is directed against the concurrent findings of the authorities below who have upheld the appointment of respondent no. 4-Devi Lal as Lambardar of village Malapur, Tehsil Adampur, District Hisar by the Deputy Commissioner, Hisar, on 31.3.2015. The appointment was done after calling for the posts of the general category Lambardar and the D.C. discussed the relevant merit of the two candidates namely the petitioner and the private respondent.

The only edge which the petitioner can claim over the private respondent is that he has considerable land holding measuring 5 acres and 6 kanals in comparison to 19 kanals held by the private respondent.

However, the cutting edge which the private respondent possesses is that he is an ex-serviceman which was kept in mind by the Collector. The private respondent is younger in age and is only 43 years old whereas, the present petitioner is 63 years of age. It is in such circumstances the petitioner's case was rejected while noticing that the

private respondent who had been involved in a criminal case had been acquitted and that was also on account of a family dispute.

The order was upheld by the Commissioner on 06.03.2017 (Annexure P-3) which has been further upheld by the Financial Commissioner dated 14.09.2017 (Annexure P-4) on the ground that only if there is some malafides, arbitrariness or illegality, the Financial Commissioner would interfere. It is settled principle as laid down by the Division Bench of this Court in ***Phool Kumar vs. State of Haryana and others, 2010 (2) RCR (Civil) 819*** while following the judgment of the Apex Court in ***Mahavir Singh vs. Khiali Ram and others, 2009 (3) SCC 439*** that until there is any perversity or capriciousness in the order of the Commissioner, interference is not to be done. The Collector being at the grass root level is the best person to judge the suitability of the headman. As per the rules itself, service to the State especially that on the border is something which has rightly been kept in mind.

In such circumstances, no case is made out for interfering in the well reasoned orders passed by the authorities below and the present writ petition is dismissed in limine.

07.09.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No