

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
109**

CWP-3428-2018

Date of decision: 05.12.2018

BALJIT SINGH

...PETITIONER

VS.

THE FINANCIAL COMMISSIONER REVENUE PUNJAB AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Yogesh Gupta, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J.(ORAL)

Challenge in this writ petition is to the order dated 30.07.2014 (Annexure P-1) passed by the District Collector, Ferozepur recommending the name of Amrik Singh son of Bhagel Singh-respondent No. 4 as Lamberdar of Village Mamdot Uttar, Tehsil and District Ferozepur, appeal against which preferred by the petitioner was dismissed by the Commissioner, Ferozepur Division, Ferozepur on 18.12.2015 (Annexure P-3) leading to the filing of the revision petition before the Financial Commissioner, Punjab, which was dismissed on 26.07.2016 (Annexure P-5) with a further review application preferred, which has also been dismissed on 29.08.2017 (Annexure P-7).

Learned counsel for the petitioner has, while challenging the orders passed by the authorities as referred to above, contended that the

petitioner is much more meritorious as compared to Amrik Singh-respondent No. 4, who is only 7th class pass whereas the petitioner is 10th class pass. His father and grandfather were also Lamberdars and, therefore, he is much more meritorious as compared to respondent No. 4. Counsel, thus, contends that the orders impugned cannot sustain and deserve to be set aside.

I have considered the submissions made by the learned counsel for the petitioner and with his assistance, have gone through the impugned orders but do not find myself in agreement with the contentions as raised by the counsel for the petitioner.

The Collector has duly assessed the comparative merit of the candidates as he is holding the field and the authorities under the Act as well as the Court should refrain themselves from interfering in the said choice of the Collector unless a patent illegality is found.

In the present case, the comparative merit of the candidates, who were before the District Collector, Ferozepur, has been duly assessed. It has been observed that the petitioner is 10th class pass whereas respondent No. 4 is only 7th class pass. Petitioner has only 1 acre land whereas respondent No. 4 has 25 acres of land and apart from that, respondent No. 4 is the President of the Agriculture Block Mamdot Kissan Union and member of the PSPCL, Ferozepur Committee as well as the Grievance Committee, Ferozepur. He is much more popular among the villagers and all the lower officers and they had also recommended the name of Amrik Singh. Merely because the father and grandfather of the petitioner were Lamberdars would not make him much more meritorious than respondent No.4 who is, as per above facts, much more meritorious than the petitioner.

In any case, the matter of the petitioner has been considered by three authorities and they have come to a concurrent finding that the choice of the Collector is correct.

In view of the above, this Court does not want to exercise its writ jurisdiction to interfere in the present case especially when there is no patent illegality found in the order which would persuade this Court to interfere in the present case.

The present writ petition, therefore, stands dismissed.

(AUGUSTINE GEORGE MAISH)
JUDGE

December 05, 2018

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No