

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

**CWP No.7613 of 2018
Date of Decision: 10.09.2018**

Hardial Singh

...Petitioner

Versus

Financial Commissioner, Punjab and others

...Respondents

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

Present: Mr. Karanjeet Singh Brar, Advocate,
for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India against the concurrent findings of the authorities below whereby the private respondent No.4, Sukhdev Singh has been appointed as Lambardar of village Dulchike.

Counsel for the petitioner has vehemently submitted that the petitioner is younger in age being 33 years old whereas the respondent is 60 years old. It is further submitted that he is grandson of the earlier Lambardar and therefore, he should have been given preference.

The order dated 12.08.2015 (Annexure P-1) of the District Collector, Ferozepur has been upheld by the Financial Commissioner, Punjab vide order dated 20.12.2016 (Annexure P-3) which is also under challenge. The Commissioner had also found on 05.05.2016 (Annexure P-2) that there is no fault as such in the order of the District Collector. Reasoning given by the Financial Commissioner, Punjab to uphold the order is that merely because an inquiry was pending for the

embezzlement of Panchayat fund against the respondent, it would not be a ground as such to set aside his appointment as the inquiry action would be taken as per the rules. It was also noticed that the Collector had found the respondent more suitable after considering all the facts and no authority had found anything in the inquiry which was stated to be pending so far. Resultantly, keeping in view the settled principles that the Collector is best person to judge the merits of the candidates, the revision petition was dismissed.

A perusal of the order of the Collector would go on to show that the petitioner is only 10th class pass and owns one acre of land. The private-respondent, on the other hand, was the ex-Sarpanch from 2008 to 2013 and thus was a more mature person. He owned 23 acres of land and had also passed B.A. Ist year. It was in such circumstances, the Collector has found him more suitable candidate.

It is settled principle that the Collector being the person at a grass-root, is in a position to assess the suitability of the Headman. The order as such would go on to show that the comparative merits had been compared and on merits the private respondent has stolen a march over the petitioner. The reasoning of the Financial Commissioner also is justified as nothing has come on record yet that the petitioner was guilty of misappropriation of Panchayat funds. Even if it is so found at a subsequent stage he can always be removed from the said post on account of any such allegation being proved in view of the provisions of Rule 16 of the Punjab Land Revenue Rules. Resultantly, there is no scope for interference in the concurrent findings of the authorities below.

Resultantly, in view of the above discussion, the present writ petition is dismissed in limine.

10.09.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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