

LPA-1476-2016

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

LPA-1476-2016

Date of Decision: September 13, 2018

Dharminder Singh

.....Appellant

Versus

The Financial Commissioner (Appeals), Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.G.S.Bal, Sr.Advocate with
Ms.Gursimran Kaur, Advocate for the appellant.

Mr.Rajesh Bhardwaj, Sr.DAG, Punjab.
Mr.R.S.Chauhan, Advocate for respondent No.4.

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SURYA KANT, J.(ORAL)

The controversy in the instant appeal pertains to appointment of Lambardar of village Masanian, Tehsil Batala, District Gurdaspur. The vacancy occurred due to demise of previous Lambardar Prem Singh son of Iqbal Singh, who died on 30.07.2009. The Collector, Gurdaspur invited the applications. The appellant as well as 4th respondent both applied alongwith others and they were duly considered by the Collector, who recommended and appointed respondent No.4 on the aforesaid post. The aggrieved appellant filed appeal before the Commissioner, Jalandhar Division, Jalandhar, who set aside the order of the Collector and appointed him as Lambardar. The order of the Commissioner was reversed by the Financial Commissioner, Punjab who held that choice of the Collector should be

ordinarily accepted unless found to be perverse or contrary to record. The fact that the 4th respondent has worked as Lambardar for some time also found favour with the Financial Commissioner. The order of the Financial Commissioner has been duly upheld by the learned Single Judge. Still aggrieved, the appellant has preferred this *intra-Court* appeal.

[2] We have heard learned counsel for the parties and gone through the record.

[3] A perusal of the record reveals that the appellant as well as respondent No.4 more or less are possessing same qualification, as both are in the age group of 39 years; While the appellant is under-Graduate, the 4th respondent possesses the qualification of 10+2; the appellant owns land more than 6 acres, whereas respondent No.4 owns land about 4.5 acres; while the appellant remained Member of the Panchayat and his grand-father was also Lamberdar, the father of 4th respondent was also a Lamberdar of the village. Taking into consideration the fact that there is no de-merit attached with any of the candidates, the Collector and the Financial Commissioner, followed by learned Single Judge affirmed the appointment of 4th respondent as Lambardar.

[4] We do not find any ground to interfere with the order under appeal. Dismissed.

(SURYA KANT)
JUDGE

September 13, 2018

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(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No