

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

LPA-1898-2018 (O&M)

Date of decision:- 06.12.2018

Ram Rattan

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. S.S. Gill, Advocate,
for the appellant.

* * * *

KRISHNA MURARI, C.J. (ORAL)

CM-4922-LPA-2018

For the reasons mentioned in the application, the delay of 31 days in re-filing the appeal is condoned.

The application stands disposed of.

LPA-1898-2018

This intra court appeal under clause X of the Letters Patent is directed against the judgement and order dated 20.08.2018 passed by learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein) challenging the appointment of respondent No. 4 – Jarnail Singh as Lambardar of village Jurasi Kalan.

2. Admittedly, the three fact finding authorities, namely, Collector, Kurukshetra; Commissioner, Ambala Division, Ambala and Financial Commissioner found that on a comparison of merits between the appellant and respondent No. 4, he had a better claim for being appointed as Lambardar. The issue has also been examined by the learned Single Judge, who relied upon the judgement of the Hon'ble Apex Court in the case of

Mahavir Singh Vs Khiali Ram and others, 2009(3) SCC 439, wherein it has been held that unless the findings are found to be perverse no interference under Article 226 of the Constitution of India is permissible.

3. In the case in hand, we are of the considered opinion that the appointment has been recommended after considering the comparative merits wherein respondent No. 4 was found to be on higher merit and more suitable for the job and, thus, no perversity is reflected in the impugned judgement passed by the learned Single Judge, which may require our interference.

4. The appeal accordingly fails and stands dismissed being without any merits.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

06.12.2018
Amodh

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