

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

LPA No.59 of 2018 (O&M)  
Date of Decision :02.08.2018

Surmukh Singh

.....Appellant

Versus

State of Haryana and others

..... Respondents

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

Present : Mr. Arvind Mittal, Advocate for the appellant.

**ARUN PALLI, J. (Oral):**

This is an *intra court* appeal under clause-X of the Letters Patent, against an order and judgment dated 02.08.2017, rendered by the learned Single Judge, vide which, the writ petition preferred by the appellant, had since been dismissed.

The facts that are required to be noticed are limited.

A vacancy of Lambardar in the Backward Class Category had occurred in village Masana, Tehsil Thanesar, District Kurukshetra. Four candidates namely Kuljit Singh, Surmukh Singh (appellant), Mukhtiar Singh and Narinder Singh competed for selection against the said post. However, the Collector vide his order dated 20.12.2011, appointed Mukhtiar Singh (respondent No.4). The appointment of Mukhtiar Singh was challenged by way of two separate appeals by Kuljit Singh and Surmukh Singh before the Divisional Commissioner. Vide order dated

4.7.2012, the appeal preferred by Kuljit Singh was accepted, the order passed by the Collector was set aside and he was appointed as Lambardar, whereas as a necessary consequence the appeal filed by Surmukh Singh was dismissed. Being aggrieved, Mukhtiar Singh and Surmukh Singh filed two separate revision petitions against the order dated 4.7.2012, before the Financial Commissioner. And, vide order dated 27.11.2013, the Financial Commissioner accepted the revision petitions filed by Mukhtiar Singh and set aside the order passed by the Commissioner and restored the order of the Collector. As a result, Kuljit Singh as also the appellant Surmukh Singh assailed the order dated 27.11.2013, passed by the Financial Commissioner, vide two separate writ petitions, which have since been dismissed.

On a consideration of the matter in issue and the material on record, the learned Single Judge reached a conclusion that the order passed by the Collector as also the Financial Commissioner warranted no interference. The grievance of the appellant that respondent No.4-Mukhtiar Singh was appointed Lambardar just because he happened to be the son of the earlier Lambardar (Sohan Singh) who died in office, was wholly misconceived, as the authorities only made an allowance, for, he might have gained some experience regarding working of the Lambardar being in the company of his deceased father. Besides that he was a matriculate and owned a land measuring 58 kanals 18 marlas in the village. In comparison, though the appellant had retired from the Indian Navy, but he was involved in litigation with his wife in proceedings under Section 125 of the Cr.P.C., pending before the Civil Court at Ambala. Thus, he was not found suitable

for appointment. Needless to assert that in the matter of this nature, the authorities are best equipped to judge the suitability of the respective candidates, and thus, ordinarily their discretion should prevail unless shown to be perverse or imprudent. Learned single Judge having comprehensively examined the matter affirmed the orders passed by the Collector as also the Financial Commissioner, therefore, we are dissuaded to interfere with the impugned order and judgment. Accordingly, the appeal being devoid of merit is dismissed.

**(KRISHNA MURARI)**  
**CHIEF JUSTICE**

**(ARUN PALLI)**  
**JUDGE**

02.08.2018

*Manoj Bhutani*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |