

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 306 of 2019 (O&M)
Date of decision: 03.04.2019

Gurdeep Kaur

... Appellant

Versus

The Financial Commissioner, Revenue, Punjab, and others

... Respondents

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

Present: Mr. Vikram Bali, Advocate, for
Mr. Rohit Joshi, Advocate for the appellant.

ARUN PALLI, J.

This is an *intra Court* appeal under Clause-X of the Letters Patent, against an order and judgment dated 28.09.2018, rendered by the learned Single Judge, vide which the writ petition preferred by the appellant assailing the order passed by the Collector dated 12.03.2013, appointing respondent No.4 as Lambardar as also the orders passed by the Commissioner and Financial Commissioner affirming the same, has since been dismissed.

Facts that are required to be noticed are limited.

A vacancy in the Office of Lambardar in village Tanda Churian, Tehsil Mukerian, District Hoshiarpur, occurred owing to the death of Lambardar Darshan Singh. And, pursuant to the process initiated by the authorities to fill-up the said post as many as 12 candidates, including the

appellant and respondent No.4 submitted their claims. And, for, it may be expedient to point out eventually only three (3) candidates i.e. appellant, respondent No.4 and one Pritpal Singh were remained in the fray and rest of the candidates withdrew their candidatures either in favour of the appellant or respondent No.4. It is not disputed that Tehsilidar, Mukerian, as also the S.D.M. recommended Jagjit Singh-respondent No.4 for appointment as Lambardar. And, upon a comparative analysis of the candidates, the District Collector concluded that Jagjit Singh-respondent No.4 was more suitable to be appointed as Lambardar as against the appellant-Gurdeep Kaur and Pritpal Singh. For, he was a permanent resident of village Tanda Churian and possessed a sufficient land holding measuring 24 kanals 17 marlas. Further he was only 43 years of age and was highly qualified, as besides being B.Sc. (I.T) he also possessed a diploma in B-pharmacy. He also happened to be a Sarpanch from 1998 to 2003 and was a current Member of the village Panchayat. No doubt, he owned a medical store but the material on record showed that it was being run by his employees. Meaning thereby, it could not be said that his said business would keep him away from his core functions and duties as Lambardar. On the contrary appellant-Gurdeep Kaur was 62 years of age and had studied only up to 8th class. Undoubtedly, she possessed a bigger land holding measuring 49 kanals 2 marlas but in the wake of the experience, educational qualification and that respondent No.4 being just 43 years of age, he was found more suitable. The claim of candidate Pritpal Singh was also rejected, for, he was merely matriculate. As a result, vide order dated 12.03.2013, passed by the

Collector, respondent No.4 was appointed as Lambardar. As indicated above, the said order was assailed by the appellant in appeal before the Commissioner which was dismissed, vide order dated 13.05.2016. And, subsequently these orders were affirmed by the Financial Commissioner in a revision preferred by the appellant, which too was dismissed vide order dated 2.11.2017. That is how, the appellant approached this Court vide a writ petition, referred to above.

But, again, upon a consideration of the matter the learned Single Judge, vide impugned order and judgment, concluded that since the findings recorded by the respondents-authorities were well founded and respondent No.4 having been found to be more suitable was appointed as Lambardar, no interference was warranted. And, accordingly the writ petition was dismissed.

We have heard learned counsel for the appellant and perused the records.

The position of law is settled that the discretion exercised by the Collector, preceded by a comparative analysis of the candidates, their merits and suitability in context of the nature of functions required to be performed by a Lambardar, should not be interfered with unless proved to be perverse or in breach of any statutory provision.

On being pointedly asked, learned counsel for the appellant failed to refer to anything on record to show if the conclusions arrived at by the authorities as also learned Single Judge was either contrary to the record

or suffered from any material illegality. Thus, the appeal being devoid of merit and is accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.04.2019

Manoj Bhutani

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