

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

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Civil Writ Petition No.4279 of 2019
Date of Decision: May 20th, 2019

Amarjit Singh

...Petitioner

Versus

The Financial Commissioner, Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 26.04.2017 (Annexure P-1) passed by the Deputy Commissioner-cum-District Collector, Shaheed Bhagat Singh Nagar-respondent No.3, order dated 01.06.2018 (Annexure P-2) passed by the Commissioner, Rupnagar Division, Rupnagar, and order dated 08.10.2018 (Annexure P-3) passed by the Financial Commissioner, Punjab-respondent No.1, vide which the petitioner had challenged the order of appointment of respondent No.4-Mohan Singh as Lambardar of Village Sujowal, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar.

2. It is the contention of learned counsel for the petitioner that petitioner is the son of the former Lambardar of the village. He asserts that he is 28 years of age and has an educational qualification of 10th pass, whereas respondent No.4 is 62 years of age and has educational qualification of 10+2 pass. The land owned by both, the petitioner as well as respondent No.4, is by and large the same. He contends that since the petitioner is son of an Ex-Lambardar, he has a hereditary right and claim over the said appointment. Assertion has thus been made that the petitioner

hereditary claim and younger age, which aspect has been ignored by the competent authority.

3. I have considered the submissions made by the counsel for the petitioner and with his assistance, have gone through the records of the case as well as the impugned orders but do not find myself in agreement with him.

4. The authorities have taken into consideration his hereditary claim by observing that this claim can be resorted to in circumstances where all other factors are identical or similar, which is not here. The authorities have asserted that respondent No.4 is more meritorious being more educationally qualified and suitable for appointment to the post, especially keeping in view the fact that the land of both, the petitioner and respondent No.4, is almost the same. There is nothing on the record to indicate that because of respondent No.4 being 62 years of age is in any way/manner handicap in performing his duties or the health of respondent No.4 is not good, rather the finding and the observations of the authorities clearly indicate that he is found to be more qualified and suitable for appointment to the post of Lambardar.

5. In any case, it is settled preposition of law that the choice of the Collector has to be not only honoured and respected but has not to be interfered with in normal course except for where the authorities find any perversity or illegality in exercise of its powers. There is nothing which would indicate such a factor to be present or even weighing on the mind of the Collector while taking a decision with regard to suitability of respondent No.4 for appointment to the post of Lambardar.

5. In view of the above, finding no merit in the writ petition, the same stands dismissed.

May 20th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No