

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.14821 of 2019(O&M)
Date of decision : 29.5.2019

Lal Singh

...Petitioner

Vs.

Financial Commissioner (Appeals) and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr.Rajinder Singla, Advocate for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The petitioner has approached this Court challenging the orders passed by the revenue authorities appointing respondent No.4 - Hakam Singh as Lambardar of village Barkatpur, Sub Tehsil Dudhansadhan, Tehsil and District Patiala, appeal against which preferred by the petitioner as well as revision petition stand dismissed.

It is the contention of the learned counsel for the petitioner that father of the petitioner was *Lambardar* of the village and he had remained as Serbarah Lambardar. He has an experience of working as *Lambardar* and therefore, has a preferential right. His further contention is that petitioner is having 32 Bighas of land and is 5th class pass and therefore, cannot be said to be an illiterate person who cannot understand the responsibilities and perform duties of the Lambardar. Assertion has also been made that the petitioner belongs to Banjara community and already one *Lambardar* from Jatt Sikh community is working. Assertion on this behalf made is that

appointment of respondent No.4 Hakam Singh being from Jatt Sikh

Community is not sustainable and deserves to be set aside.

I have heard learned counsel for the parties and with his assistance, have gone through the impugned orders.

Admittedly, the petitioner has been serving as Serberah *Lambardar* and also has 32 *bighas* of land. The hereditary claim is no more right which can be claimed as an aspect in itself and being a Serberah *Lambardar* would give him obviously more experience over a candidate who has not performed the said duties but inspite of his experience, however being Serberah *Lambardar* the said benefit cannot be claimed for the purpose of preferential right for consideration of appointment in case the other factors are if not identical/similar here.

Unfortunately the petitioner is only 5th class pass whereas respondent is 10th class pass and is 52 years of age. That being so, being younger in age and more qualified than the petitioner, is better qualified person for appointment to the post of *Lambardar*. More land, as owned by the petitioner i.e. 32 *bighas* of land when compared to that of respondent No.4 who owns 9 *bighas* and 5 *biswas* of land but this would not be relevant in the light of the fact that as of now land revenue has been abolished and therefore, the security for which the land was taken into consideration for recovery thereof is no more relevant. It is also settled proposition of law that choice of the Collector should not be generally interfered with unless there is patent illegality or perversity which would require interference by the Appellate Authority or the revisional authority.

In the considered view of this Court, appointment of respondent No.4 as *Lambardar* is in consonance with the Rules governing the appointment of *Lambardar* and respondent No.4 is more meritorious as

compared to the petitioner.

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

29.5.2019

(AUGUSTINE GEORGE MASIH)

Meenu

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No