

CWP-18220-2019

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

CWP-18220-2019

Date of Decision: 11th September, 2019

Harpreet Singh

...Petitioner

Versus

Financial Commissioner, Cooperative, Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Subhash Kumar, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court impugning the order dated 16.08.2016 (Annexure P-4) passed by the District Collector, Jalandhar, whereby, respondent No.4 – Bakshish Singh has been appointed as Lambardar of village Loharan, Tehsil Jalandhar-II, District Jalandhar, appeal against which preferred by the petitioner before the Commissioner, Jalandhar Division, Jalandhar, stands dismissed vide order dated 11.01.2017 (Annexure P-5) and the revision preferred by him against the said order of Commissioner, Jalandhar Division, Jalandhar, has also been dismissed vide order dated 13.08.2018 (Annexure P-6) .

2. It is the contention of the learned counsel for the petitioner that the revenue authorities have failed to appreciate that the petitioner has better knowledge about the working of the post of Lambardar, as after the death of his father Harbhajan Singh, who was also a Lambardar of the village in the

year 2012, he had been performing the duties of the Lambardar and recovering the chowkidara from the villagers in the year 2013-14 as well as in the year 2015. He contends that with the said experience, apart from his hereditary right, he is younger in age as compared to respondent No.4. Assertion has been made that the petitioner is virtually having the same educational qualification as petitioner is 12th pass and respondent No.4 claims himself to be B.A. Part-I pass and studied in B.A. Part-II. That apart, petitioner has an unblemished record and a good character. Respondent No.4, on the other hand, had been an accused in FIR No.12 dated 01.02.2008, which was registered at Police Station Bhogpur. He, therefore, contends that the District Collector, Jalandhar, has wrongly proceeded to appoint respondent No.4 as Lambardar of the village ignoring the claim of the petitioner. What appears to be the reason for appointing respondent No.4 is the land of which he is the owner, which is 55 kanals and 10 marlas and it is not the case of the respondent that the petitioner has no land but has 5 kanals and 12 marlas. He, thus, contends that the impugned order as passed by the District Collector, Jalandhar, as also the orders passed by the Appellate Authority and the Revisional Authority cannot sustain and deserve to be set aside.

3. I have considered the submissions made by the learned counsel for the petitioner and with his assistance have gone through the records of the case.

4. The settled proposition of law is that the opinion of the Collector, who is the Appointing Authority of the Lambardar, has to be

respected and honoured. The Appellate as well as the Revisional Authority should not interfere with the order passed by the Collector unless there is certain perversity or illegality committed, which would be apparent on the record. In the present case, there appears to be none as the District Collector, Jalandhar, has considered the comparative merit of both the candidates. Respondent No.4 has been found to be more educated with more land holding as compared to the petitioner.

5. The petitioner, on the other hand, is holding himself to be younger in age and claiming hereditary right on the basis of his father being a Lambardar of the village apart from his experience as a Lambardar after the death of his father. Assertion has also been made that there was a criminal case registered against respondent No.4 but all these pleas would not be acceptable in the light of the fact that mere registration of the FIR would not be enough to condemn a person where no challan has been presented rather a cancellation report was submitted by the police authorities, which had been accepted by the Competent Court.

6. What really weighs in the mind of the Court and tilts the balance in this case in favour of the petitioner is that the Collector had, at the time of appointment of the Lambardar, interacted with both the candidates i.e. petitioner and respondent No.4 and on such interaction, found respondent No.4 – Bakshish Singh more intelligent as compared to the petitioner – Harpreet Singh. It, thus, cannot be said that the suitability of the candidates has not been properly considered/assessed by the District Collector, Jalandhar, who had applied his mind not only to the claim of the

respective candidates but to the other aspect as well and judged the suitability of the candidates.

7. In the light of the settled proposition of law that the opinion of the Collector should not be interfered and that too lightly, this Court does not find any justification for exercising its extraordinary writ jurisdiction to interfere in the matter as there is no perversity or illegality therein.

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

11th September, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No